



# Town of Buckeye Development Code

Effective December 15, 2005

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## ARTICLE ONE

### PURPOSE & APPLICABILITY

SECTION	7-1-1	TITLE
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These regulations shall be known and referred to as the Development Code of the Town of Buckeye, except when cited herein it shall be referred to as "this Code".

SECTION	7-1-2	AUTHORITY
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This Code is adopted as the Town of Buckeye Development Code relating to zoning, subdivision, building construction, and comprehensive planning, pursuant to Arizona Revised Statutes Title 9.

SECTION	7-1-3	PURPOSE
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- A. It is the intent and purpose of this Code to protect the public health, safety and general welfare of the community and citizens of the Town of Buckeye through the establishment of minimum regulations governing development and use of land.
- B. This Code shall divide the Town into zoning categories ("Zoning Districts") and establish regulations respecting location, erection, construction, alteration, and use of property.
- C. These regulations are established to:
  - 1. Promote an efficient and orderly development process; to provide clean air and adequate light and access to property;
  - 2. Prevent congestion and hazards in the public rights-of-way; to preserve and enhance aesthetic values and natural resources;
  - 3. Prevent overcrowding and unsafe conditions of land and buildings by regulating subdivision of land, construction standards and density of population; to provide for compatibility of different land uses;



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4. Define the powers and duties of the Town officials, the Development Board and the Town Council in relation to this Code;
5. Provide for administration of this Code; to provide process for amending the Code; to prescribe penalties for violation of the Code;
6. Protect the rights of all property owners within the Town; to ensure that owners will enjoy the full use of their property while not infringing on the rights of neighboring property owners;
7. Provide guidelines to development which encourage social interaction, civic pride, outdoor enjoyment and alternative modes of transportation.

## **SECTION 7-1-4 RELATIONSHIP TO GENERAL PLAN**

It is the intent of this Code to implement the planning policies adopted by the Town Council for the Town and its extraterritorial planning area, as reflected in the Buckeye General Plan (the "General Plan"). While the Council reaffirms its commitment that this Code and any amendment to it shall be in conformity with adopted planning policies, the Town Council hereby expresses its intent that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the General Plan.

## **SECTION 7-1-5 RELATIONSHIP TO EXISTING ORDINANCES**

To the extent that the provisions of this Code are the same in substance as the previously adopted provisions that they replace in the Town's zoning, subdivision, building, mobile home, or flood control ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, non-conforming situation under the previously adopted zoning ordinance does not achieve lawful non-conforming status under this Code unless it conforms with all the requirements of this Code.

## **SECTION 7-1-6 NEWLY ANNEXED PROPERTY**

Within six (6) months of annexation, all areas within such annexation shall be given a Zoning District classification by the Town Council.

### **A. LAND USE MAP**

Upon the annexation of any area, the Town shall prepare a land use map which shall be prima facie evidence of the manner in which a building or land was being used at the time of annexation. The map shall be certified by the Community Development Director.



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## B. STATUS OF EXISTING USES

Any use or activity conducted contrary to the Maricopa County Zoning Ordinance or other development regulations on the effective date of annexation, and constituting a legal non-conforming use under the county regulations, shall be entitled to be considered a legal non-conforming use under this Code.

## SECTION 7-1-7 TRANSITION RULES

### A. EXISTING UNLAWFUL USES AND STRUCTURES

A structure or use not lawfully existing at the time of the adoption of this Code is hereby deemed lawful provided that it conforms with all the requirements of this Code.

### B. EXISTING AUTHORIZED USES

A structure or use lawfully existing at the time of adoption of this Code, that is an allowed use in the Zoning District in which it is located, is hereby deemed a lawfully authorized use for the purposes of this Code.

## SECTION 7-1-8 NON-CONFORMING USES

### A. GENERAL PROVISIONS

The lawful use of land existing at the time of adoption of this Code, which does not conform to the provisions of this Code, may be continued, providing only reasonable repairs and alterations are made and safety requirements are met.

### B. EXPANSION OF NON-CONFORMING USES

Non-conforming structures, sites or uses shall not be extended, enlarged, replaced, or changed unless such extension, enlargement, replacement or change in use is approved by the Buckeye Development Board (the "Board"). The Board shall authorize only those changes which bring the structure, site or use more into conformance with the provision and standards of this Code.

### C. ABANDONMENT OF NON-CONFORMING USE

No building or lot in or on which a non-conforming use is abandoned for a period exceeding one year or is superseded by a conforming use shall again be devoted to any prohibited use. A non-conforming building may continue to be used even if the use is abandoned provided:

1. The use is permitted by Table 4-A.
2. The structure meets minimum building safety requirements.
3. The use of the site will not be a public hazard as determined by the Community Development Director.



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## D. DESTRUCTION OF NON-CONFORMING USE

If a non-conforming use, structure or improvement is hereafter damaged, destroyed or allowed to deteriorate, and the cost of restoration exceeds fifty percent (50%) of the value of the structure or improvement after restoration, then the use, structure, or improvement shall not be restored unless it complies with all the provisions of this Code.

## SECTION 7-1-9 REPEAL AND SEVERABILITY

- A. All ordinances or parts of ordinances contained within the Buckeye Town Code that are in conflict with this ordinance are hereby repealed.
- B. Should any portion or provision of this Code be decided by the courts to be unconstitutional or invalid, such unconstitutional or invalid provision shall be of no further force or effect and shall not affect the validity of the remaining portions of this Code.

## SECTION 7-1-10 VIOLATION AND PENALTIES

- A. Subject to Section 7-1-8 (Non-Conforming Uses), no person may use or occupy, any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under their control except in accordance with all of the applicable provisions of this Code.
- B. Any person, firm or corporation violating any provision of this ordinance, and any amendments to it, shall be guilty of a Class One Misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment.
- C. Each day in which a violation of this Code continues shall constitute a separate offense.



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## **ARTICLE TWO**

### **DEFINITIONS**

#### **SECTION 7-2-1 DEFINITION OF TERMS**

**ACCESSIBLE PARKING SPACE:** Spaces provided and maintained which meet the requirements of the Arizonians with Disabilities Act of 1992.

**ACCESSORY BUILDING:** A structure which:

1. Is clearly incidental to and customarily found in conjunction with a principal building; and
2. Is subordinate to the purpose of the principal building; and
3. Contributes to the comfort, convenience or necessity of occupants in the principal building; and
4. Is located on the same lot or parcel as the principal building.

**ACCESSORY USE:** Activity or services customarily found in conjunction with a principal use. Such activities shall be incidental and clearly subordinate to the functioning of the primary use.

**AMUSEMENT FACILITY:** An establishment that offers games, rides, or similar activities on a commercial basis.

**ANIMAL PRODUCTION/BREEDING:** The raising of animals on a commercial basis, such as beef or sheep ranching, dog breeding, dairy farming, piggeries, poultry farming, and fish farming, including feed lots as incidental to the primary activity.

**ANIMAL, DOMESTICATED FARM:** Animals as classified by the Arizona State Agriculture Department as swine, poultry, livestock or other animal common to animal production. Does not include small birds, cats, dogs, or other animals commonly associated as pets.

**APPLICANT:** A person who completes and files an application under the procedures of this Code.

**AREA PLAN:** An area plan is a specific plan as provided in A.R.S. 9-461.08 the purpose of which is to define land uses, densities and other development features of a particular geographic area.

**AUTOMOBILE SALES AND RENTAL:** Same as "Vehicle and RV Sales and Rental."

**BAR:** A facility which, as defined by the Arizona state liquor law, is regularly open for the primary purpose of serving spirituous liquors to patrons for compensation and on-site consumption. Any facility providing both food and spirituous liquor service within the same premises for on-site consumption which does not meet the definition and requirements for a restaurant, as defined in this Section, shall be considered a bar.

**BED AND BREAKFAST ESTABLISHMENT:** The use of a residential structure for commercial lodging purposes that is occupied by either the owner or a resident manager.



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**BOARDING HOUSE:** A dwelling in which the owner or occupant provides three (3), four (4), or five (5) bedrooms as lodging for compensation, and in which food may be served to the occupants thereof. The occupancy of one (1) or two (2) bedrooms for compensation shall not be considered a boarding house provided not more than two (2) guests shall occupy each bedroom. The term shall include dormitories, transitional living, halfway houses, and similar residential arrangements, but shall not include hospitals, nursing homes, hotels, group homes, social service facilities as specified in this Code or a dwelling occupied by one or more individuals living together without supervision as a single housekeeping unit.

**BUILDING:** A structure having a roof supported by columns or walls for the shelter, support, or enclosures of persons, animals, or chattel.

**BUILDING ENVELOPE:** An area that encompasses all structures on a lot or parcel of common ownership.

**BUILDING, MAIN OR PRINCIPAL:** A building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any residential district, any dwelling shall be deemed to be the main building of the lot on which it is situated.

**BUILDING PERMIT:** Authorization given by the Community Development Director to initiate development activity.

**BUILDING, TEMPORARY:** A structure designed, built, created or occupied for short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

**CAMPGROUND:** An area of land used to temporarily accommodate two or more camping parties, including cabins, tents, recreational vehicles or other camping outfits.

**CEMETERY:** A parcel of land or structure dedicated to and at least a portion of which is being used for the interment of human or animal remains. A cemetery may include crematories, mausoleums, and columbarium.

**CERTIFICATE OF OCCUPANCY:** An official authorization to occupy a structure as issued by the Town.

**CHANGE IN USE:** A change in use of property occurs whenever the essential character or nature of the activity conducted on a parcel changes.

**CHURCH:** Same as "Places of Worship."

**CLINIC OR HEALTH CARE FACILITY:** A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery.

**CLUB, PRIVATE (NONPROFIT):** A nonprofit association of persons who are bona fide members paying annual dues which owns, hires, or leases a building, or a portion thereof; the use of such premises being restricted to members and their guests.

**COMBINATION USE:** A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, Table 4-A. Under some circumstances, a second principal use may be regarded as accessory to the first and thus a combination use is not established. See Section 7-4-3. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.







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**COMMERCIAL BUFFER:** A landscaped and screened area of ground, ten (10) feet in width, between a new multiple family, commercial or industrial use and an existing single family dwelling, the purpose of which is to lessen the noise, light, and visual impact of the new use.

**COMMERCIAL RANCH:** A ranch where animal or crop production takes place which may provide residential facilities for employees, except that it does not include a residential ranch as defined herein.

**COMMERCIAL USE:** A retail use operated for profit or compensation, where the general public is invited to purchase goods or services and the compensation is substantial and regular.

**COMMON AREA:** Undisturbed desert habitat, parks, common pasture, improved pedestrian or equestrian easements, community recreational facilities, water features, and play fields.

**COMMUNITY DEVELOPMENT DIRECTOR:** Person designated by the Town Manager as having the primary responsibility for administering and enforcing this Code.

**COMMUNITY MASTER PLAN:** A plan to allow a master planned community in the Planned Community Zoning District. A Community Master Plan establishes land use categories, allowed uses, densities, provisions for public facilities, design regulations, phasing schedules, and procedures for administration and implementation and which can be adopted by the Town Council via a development agreement.

**CONDITIONAL USE:** Any use which requires approval from any governmental agency or has the ability to adversely impact adjoining uses. Conditional Uses are listed as "C" in Table 4-A, Permissible Uses.

**CONSTRUCTION:** Work performed to erect or make changes to a building or structure including the demolition, renovation, replacement, or addition to a structure or portion thereof.

**CONSTRUCTION YARD:** An outdoor storage yard for construction equipment, materials and supplies, accessory to an on-site business office.

**CONVENIENCE STORAGE:** A storage service, located within an enclosed structure, primarily for personal effects and household goods having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activities. Typical convenience storage uses include mini-warehousing.

**CROP PRODUCTION:** An area that is used for the raising or harvesting of agricultural crops for commercial purposes.

**DAY CARE CENTER:** A residential facility, certified by the Arizona Department of Health Services, in which day care is regularly provided for compensation for more than five (5) full-time children in a facility other than a dwelling.

**DEVELOPER:** Any person who proposes and will be responsible for development.

**DEVELOPMENT:** Any activity which changes the use of land or makes a material change to the appearance of a structure or property. In addition, the following constitute development:

1. Clearing of land as an adjunct of construction, including clearing or removal of vegetation or soil manipulation;
2. Deposit of refuse, solid or liquid waste or fill on a parcel of land;
3. Placement of a sign;
4. Changes or alteration of a watercourse, drainage way, or other waterway; or
5. Paving, filling, grading, or covering of land.

**DEVELOPMENT AGREEMENT:** An agreement between the Town and a developer in accordance with A.R.S. 9-500.05 for regulation of land use and provision of public services.



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**DRIVEWAY:** A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street.

**DUST-FREE:** Property that is paved in one of the following methods (1) asphaltic concrete, (2) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate, (3) cement concrete, or (4) any equivalent of the above.

**DWELLING:** A building or portion thereof, used primarily for residential occupancy, including single family, two family or multiple family dwellings, but not including hotels, motels, boarding houses, or group homes.

**EASEMENT:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated portion of the owner's property.

**FACTORY-BUILT-BUILDING:** A residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined in A.R.S. statutes.

**FAMILY:** A family is (1) an individual or two (2) or more persons related by blood, marriage, or adoption, and usual servants, living together as a single housekeeping unit in a dwelling unit, (2) a group of not more than six (6) persons, who need not be related, living together as a single housekeeping unit in a dwelling unit.

**FENCE:** A free-standing structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

**FLOODPLAIN:** The area susceptible to be inundated by water from the base flood including areas where drainage is or may be restricted by human-made structures which have been or may be covered partially or wholly by flood water from the one-hundred year flood. As used in this chapter, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the Town offices.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas necessary in order to discharge the one hundred-year flood without cumulatively increasing the water surface elevation more than one foot. As used in this chapter, the term refers to that area designated as a floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the Town offices.

**FUNERAL HOME:** An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

**GENERAL PLAN:** The plan adopted by the Town Council pursuant to the provisions of this Code and in accordance with A.R.S. 9-461.05.

**GROSS FLOOR AREA:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**GROSS LOT AREA:** The total parcel size inclusive of rights-of-way.

**GROUP HOME:** A residential facility for six (6) or more unrelated persons providing living facilities, sleeping rooms, and meals and which is licensed for such by the State of Arizona or the Maricopa County Department of Health Services.

**GUEST ROOM:** A single room within a dwelling unit which may be occupied by no more than two (2) persons who are not members of a family, and which does not contain any cooking facilities.



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**HEIGHT, BUILDING:** The vertical distance of a building as measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the coping of a flat roof, or to the mean height level between eaves and ridges for gable and hip or gambrel roofs.

**HEIGHT, FENCE:** The vertical distance of a fence as measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the fence. If grade varies from one side of the fence to the other, the height shall be measured from the highest finished grade.

**HEIGHT, FREE STANDING SIGN:** The vertical distance of a sign as measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the sign or sign structure.

**HOME OCCUPATION:** A commercial activity that: (1) is conducted by a person on the same lot (in a residential district) where such person resides, and (2) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use but that can be conducted without any significantly adverse impact on the surrounding neighborhood. The following shall not be allowed:

1. Signs;
2. On premise employees who do not reside at subject dwelling;
3. Heavy machinery;
4. Outdoor storage; or
5. Chemicals materials or equipment not normally found in a residential area

**HOSPITAL:** An institution, place, building, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two (2) or more unrelated persons admitted for overnight stay or longer in order to obtain medical treatment, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity.

**HOTEL/MOTEL:** A facility containing commercial guest rooms utilized for short-term, transient occupancy which provides continuous on-site management. The term shall not include nursing or convalescent homes, boarding houses, bed and breakfast establishments, or apartment buildings.

**INDUSTRIAL:** Any enterprise or business activity primarily associated with heavy equipment, tractor trailers, material storage or processing, warehousing, manufacturing or chemical processing where the general public is not invited to be part of the on-site activities.

**KENNEL:** A commercial operation that: (1) provides food and shelter and care of domesticated animals other than farm animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (2) engages in the breeding of domesticated animals, other than farm animals, for compensation.

**LAND SPLIT:** The division of property, the boundaries of which have been fixed by a recorded plat into two (2) or more parcels; or the division of improved or unimproved land into two (2) or three (3) parcels of land for the purpose of sale or lease.

**ZONING DISTRICT:** The district (zone) into which the Town has been divided for purposes of land use and development as set forth on the Zoning District Map, as provided in Article Four of this Code.

**LANDSCAPE SCREEN:** An earthen berm or other open area using plantings to form an optical barrier which essentially prevents vision from one side to the other.

**LOT:** A parcel of land separated from other parcels by description, as in a subdivision or on a recorded survey map or by metes and bounds, for purposes of sale, lease, or separate use.

**MACHINERY AND EQUIPMENT STORAGE:** An establishment primarily engaged in the storage of heavy equipment and machinery. This may also include incidental repair to the equipment.



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**MACHINERY AND EQUIPMENT SALES AND REPAIR:** An indoor or outdoor establishment primarily engaged in the cleaning, repair, painting, reconstruction, storage or other similar process of heavy machinery, equipment, and vehicles, including vehicle body work.

**MAINTENANCE:** The replacing of parts of a structure which have been made unusable by ordinary wear or tear or by the weather.

**MANUFACTURED BUILDING:** A factory built building or manufactured home as defined in this Section. It does not include a mobile home.

**MANUFACTURED HOME:** A structure built on or after June 15, 1976 in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 (public law 93-383, as amended by Public Laws 95-128, 95-557, 96-153, and 96-339).

**MANUFACTURED HOME PARK:** A lot, tract, or parcel of land used or offered for use in whole or in part, with or without charge, for the parking of occupied manufactured homes.

**MANUFACTURED HOME SUBDIVISION:** A subdivision created expressly for single family manufactured buildings.

**MANUFACTURING, CUSTOM:** An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

**MANUFACTURING:** The process of creating a finished product by fabrication or from raw materials, especially by means of a larger scale industrial operation.

**MASTER PLANNED COMMUNITY:** A mixed use development approved by the Town Council in accordance with Section 7-3-3 of this Code.

**MOBILE HOME:** A structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities except recreational vehicles and factory built buildings.

**MULTIPLE FAMILY DWELLING:** A building or portion thereof, used for occupancy by two or more families living independently of each other, with the units completely separated by a common wall, floor and/or ceiling.

**NET LOT AREA:** The remaining parcel size after deleting all portions for existing and perimeter rights-of-way and alleys.

**NON-CONFORMING:** see Section 7-1-8

**NURSING HOME:** A health care institution other than a hospital or personal care home which is licensed by the Arizona State Department of Health Services as a skilled nursing facility for two (2) or more unrelated persons.

**OFFICES:** "Offices" means structures, or portions of structures, in which commercial activities take place but where goods are not produced, sold, or repaired. These include: banks; general and professional offices; governmental offices; insurance offices; real estate offices; taxicab offices; but not taxi stands; travel agency or transportation ticket offices; telephone exchange; utility offices; radio broadcasting and similar uses.



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**OUTDOOR DISPLAY AREA:** As part of a commercial retail enterprise, purposeful displaying of salable goods in an organized fashion and in accordance with provisions of this Code.

**OUTDOOR STORAGE:** Commercial inventory, discarded items, packing material, household items, business supplies, or other similar items stored outside an enclosed building. Outside storage does not include merchandise within an outdoor display area.

**PAVING:** Same as dust-free

**PLACES OF PUBLIC ASSEMBLY:** Buildings or indoor facilities including, but not necessarily limited to banquet halls, auditoriums, private clubs and lodges, conference centers, and theaters, including kitchens for the preparation of food to be consumed at the premises.

**PLACES OF WORSHIP:** Buildings or indoor facilities used for public worship and related educational, cultural, and social activities.

**PLANT NURSERY, RETAIL:** The use of land, buildings, or structures for the sale of plant materials, landscape materials, and fertilizer, excluding production of plant materials.

**PLANT NURSERY, WHOLESALE:** The use of land, buildings or structures for the production of plant materials.

**PROJECTION:** An element or embellishment attached to a structure for environmental protection or architectural enhancement that does not support any portion of the structure.

**PROPERTY LINE:** The line separating parcels of land from each other or separating a parcel from public rights-of-way.

**RANCH, COMMERCIAL:** An animal or crop production enterprise, that may include employee housing, heavy equipment storage and other related improvements. A Commercial Ranch does not include a Residential Ranch as defined herein.

**RANCH, RESIDENTIAL:** A single family dwelling, with accessory use such as non commercial raising of crop and animals, farm buildings, storage of related equipment, and similar types of hobby farm activities. A Residential Ranch does not include caretaker housing, or other uses associated with a commercial ranch such as heavy equipment storage, or commercial breeding.

**RECREATIONAL VEHICLE:** A vehicular type unit defined by A.R.S. 41-2142.

**RECREATIONAL VEHICLE PARK:** A parcel of land used or offered for use, in whole or in part, for the parking of occupied recreational vehicles.

**RESIDENTIAL:** Any activity primarily associated with dwellings, homes, or groups of homes. Includes Single Family Dwellings, two family and Multiple-Family Dwellings.

**RESIDENTIAL FACILITY:** A Single Family Dwelling in which persons with developmental disabilities live and which is licensed, operated, supported or supervised by the State of Arizona Department of Economic Security.

**RESOURCE EXTRACTION:** The on-site extraction of surface or subsurface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

**RETAIL, CONVENIENCE ESTABLISHMENT:** A neighborhood oriented retail shop designed to serve patrons on a short term drop-in-basis, including a small food and sundries store, drug store, financial institution, hairdresser or barber,



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or dry cleaning pick-up store. Liquor sales and gasoline sales are expressly prohibited. Does not include General Retail Establishments.

**RETAIL, GENERAL ESTABLISHMENT:** A business whose primary purpose is to offer for sale goods which have been manufactured or processed at another location. A General Retail Establishment includes grocery, electronics, hardware or other retail merchandising stores, but does not include restaurants or other service establishments.

**RIGHT-OF-WAY:** A strip of land dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another public use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and are not included within the dimensions or areas of such lots or parcels. "Rights-of-way" intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**ROADSIDE STAND:** An accessory structure for the seasonal retail sale of locally grown or locally produced food products.

**SCHOOL:** A privately, or publicly owned place of learning, including, but not limited to: nursery or pre-schools, elementary schools, middle-schools, junior high schools, or high schools, which do not provide lodging for students or faculty.

**SCREENING DEVICE:** A visual barrier which may be composed of earthen berm, landscape materials, and/or structural elements utilized in accordance with the provisions of this Code.

**SERVICE ESTABLISHMENT:** A business whose principal purpose is to provide food, drink, entertainment or professional services. Service Establishments include restaurants, bars, or lounges, where customers are invited to consume food, drink or entertainment on the premises, and professional service establishments such as accountant offices, law offices and beauty salons.

**SETBACK:** The required horizontal distance between the property line and a principal or accessory building.

**SETBACK LINE:** A line parallel to the property line, establishing the required distance between buildings and property lines.

**SEWER SYSTEM, COMMUNITY:** Any sanitary sewer system, whether treatment plant, septic tank or lagoon designed with a sewer collection system to be used by a legally constituted association of property owners. The system may or may not be a public system.

**SIGN:** Any device that is sufficiently visible to persons not located on the lot where such device is located to attract the attention of such persons or to communicate information to them.

**SIGN, ATTACHED:** A sign fastened to or painted on the wall of a building or structure in such manner that the wall becomes the supporting structure for, or forms the background surface for such sign.

**SIGN, FREESTANDING:** Any non-movable sign not affixed to a building.

**SIGN, FREEWAY COMMERCIAL:** A freestanding sign not to exceed sixty-five (65) feet in height above the natural grade of the site that is placed on property adjacent to, but not closer than a distance equal to the height of the sign from the freeway right-of-way. Sign copy shall be limited to name and/or logo identification with approved directional information and shall not exceed two hundred fifty (250) square feet in area. Separation distance of not less than one-half mile shall be observed between any such on-premise signs located on the same side of the freeway. Development Board may vary restrictions pertaining to height, sign copy, and separation distance upon appropriate justification presented by





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the applicant, such as, but not limited to, identification of multiple businesses or conveying a civic or public interest message.

**SIGN, OFF-SITE:** A sign which directs attention for a commercial purpose to a business, commodity, a service, entertainment or product not related to the other commercial uses existing on the premises upon which the sign is located. Nothing contained in this definition shall be construed to apply to noncommercial messages or information placed on any sign.

**SINGLE FAMILY DWELLING:** A dwelling used for residential occupancy by one family.

**SLOPE:** The vertical rise in feet measured over a horizontal distance of one hundred (100) feet, expressed as a percentage, measured generally at right angles to natural contour lines, and extending across property lines if necessary to obtain the one hundred (100) foot measurement, but not extending across significant changes in grade.

**SOCIAL SERVICE FACILITY:** A public or non profit facility that is not a hospital, nursing home, day care center, group care home, residential facility, boarding house, or health clinic.

**SPECIAL EVENT:** A temporary use in all Zoning Districts which:

1. Is intended for purposes of entertainment, education, commercial promotion, or cultural, religious, ethnic, or political expression.
2. Is conducted on public or private property on a site or in an area not specifically zoned, authorized, or otherwise approved for such use on a permanent basis.
3. Is carried on in a temporary structure, or outside.
4. May occur in conjunction with an existing permitted use or as a separate activity.
5. Includes but is not limited to: parades, sporting events, circuses, fairs, carnivals, festivals, religious revivals, political rallies, vehicle shows and displays, and similar recognized temporary activities.
6. Shall not include wedding and funeral ceremonies, holiday boutiques, elections, private yard sales, Christmas tree and pumpkin sales lots, car washes, and activities such as retail sales promotions that could otherwise be lawfully conducted in accordance with the provisions of this Code in the Zoning District where such promotion takes place.

**STREET:** A right-of-way other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

**STREET, ARTERIAL:** A major street in the town's street system that serves as an avenue for the circulation of traffic onto, out, or around the town and carries high volumes of traffic. It serves or is designed to serve more than one hundred (100) dwelling units and is expected to or does handle at least eight thousand (8,000) vehicle trips per day.

**STREET, COLLECTOR:** A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, at least fifty-one (51) but not more than one hundred (100) dwelling units and is designed to be used to carry between four hundred (400) to eight hundred (800) trips per day.

**STREET, LOCAL:** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than ten (10) dwelling units and is expected to or does handle between twenty-five (25) and one hundred (100) trips per day.

**STREET, SUB-COLLECTOR:** A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including dwellings indirectly served through connecting streets, it serves or is designed to serve at least eleven (11) but not more than fifty (50) dwelling units and is expected to or does handle between one hundred (100) and four hundred (400) trips per day.



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**SUBDIVISION:** Improved or unimproved land divided for the purpose of financing, sale or lease, whether immediate or future, into four or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

**SWAP MEET:** A commercial activity characterized by the sale or barter of merchandise or farm products to the general public by individuals from a booth or stall. The term shall include a farmer's market, flea market, and similar commercial activities.

**SWIMMING POOL:** A contained body of water used for bathing or swimming purposes either above or below ground level with the container being eighteen (18) or more inches in depth at any point, and/or wider than eight (8) feet at any point.

**TRUCK STOP:** A commercial facility whose primary purpose is to provide service and maintenance to diesel powered trucks and tractor trailers, including bays for truck washing and fuel dispensing. Other facilities may also be present, such as convenience markets, motels and restaurants.

**USE:** The activity or function that actually takes place or is intended to take place on a parcel of land.

**USE PERMIT:** Permit issued by the Development Board for conditional use as provided in Section 7-4-3.

**USE, PRINCIPAL:** A use listed in the Table of Permissible Uses which takes place on a parcel of land as the primary use of such land.

**UTILITY FACILITIES:** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

**VEHICLE, ABANDONED:** A vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition, or any vehicle that has not been moved or used for seven (7) or more consecutive days and is apparently deserted.

**VEHICLE AND RV SALES AND RENTAL:** An establishment that offers the sale or rental of automobiles, trucks and trailers, motorcycles, motor homes, recreational vehicles and boats, including incidental storage, maintenance, and servicing of equipment and parts.

**VEHICLE STORAGE:** Storage of operable vehicles on a commercial basis; provided, however, that such Vehicle Storage shall not include junk and salvage yards or storage of abandoned vehicles.

**VETERINARY CLINIC:** A facility rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a dwelling. Crematory facilities shall not be allowed in a veterinary clinic.

**VETERINARY HOSPITAL:** A facility rendering surgical and medical treatment to animals, having no limitation to overnight accommodations for such animals. Crematory facilities shall be permitted.





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**WAREHOUSING, RETAIL:** An establishment offering wholesaling, storage, and warehousing services within a completely enclosed building, such as wholesale distributors, and moving and storage companies.

**WAREHOUSING, WHOLESALE:** An establishment which stores, distributes and handles materials and equipment, including but not limited to vehicle storage, monument or stone yards, grain elevators, or open storage yards.

**YARD SALE:** Non-commercial sale of household items at a residence or part of a non-profit fund raising activity.

## SECTION 7-2-2 RULES OF CONSTRUCTION

In the interpretation of the language of this Code, the rules set out in this Section shall be observed unless such construction would be inconsistent with the manifest intent of the Town Council.

### A. GENERAL

1. All provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Town Council may be fully carried out. Terms used in this Code, unless otherwise specifically provided, shall have the same meanings prescribed by applicable Arizona law for the same terms, or by a standardized dictionary of the English language if there is no statutory definition.
2. In the interpretation and application of any provision of this Code, the provision shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than a general provision imposed by another provision of this Code or other Town ordinance, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
3. It is not the intent of this Code to interfere with, abrogate or annul any order of a court of competent jurisdiction, statute, or other provision of law. Further, these regulations are not intended to abrogate any legally enforceable easement, covenant, or any other private agreement, or restriction; provided that where the provision of this Code are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this Code shall govern.



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## B. COMPUTATION OF TIME

In computing any period of time prescribed by this Code, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday recognized by the Town Council, in which event, the period shall run until the end of the next day that is neither a Saturday, Sunday or holiday.

## C. DELEGATION OF AUTHORITY

Whenever a provision or Section of this Code requires any Town officer or employee to do some act or perform some duty, this Code shall be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or Section specify otherwise.



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## **ARTICLE THREE**

### **PLANNING DOCUMENTS**

#### **SECTION**

#### **7-3-1**

#### **GENERAL PLAN**

##### **A. PURPOSE**

The General Plan is a guide for the Town regarding the physical development and redevelopment of the Town. The General Plan is a policy statement, as provided in A.R.S. 9-461.05, indicating how the Town would like to develop in the foreseeable future based on currently available information.

##### **B. APPLICABILITY**

Upon the adoption of the General Plan in accordance with the provisions of this Section, all development within the jurisdiction of the Town shall be in accordance with the provisions of the General Plan, unless the General Plan is thereafter amended.

##### **C. ESTABLISHMENT OF PLANNING AREA**

As part of the General Plan the planning area of the Town shall be established, showing boundaries for planning purposes, which encompasses all land which ultimately could become part of the Town. The map is to be used in completing land use and public facility planning.

##### **D. ELEMENTS**

The General Plan shall consist of a statement of community goals and development policies. The General Plan shall also include at least the following elements:

1. Land use
2. Circulation
3. Conservation
4. Recreation
5. Public services
6. Housing
7. Economic Development
8. Historic Preservation

##### **E. ADOPTION**

The Town Council shall review the General Plan on an annual basis and may amend or replace sections of the plan in accordance with provisions and procedures contained within this Code and



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applicable state law. The Town Council, in accordance with Section 7-8-4, may accept requests for amendment to the General Plan from a landowner or a group of landowners. A change in the Zoning District Map shall not be considered an amendment to the General Plan.

## SECTION

## 7-3-2

## AREA PLAN

### A. PURPOSE

The purpose of an area plan, is to define land uses, densities and other development features of a particular geographic area.

### B. RELATIONSHIP TO GENERAL PLAN

An area plan is a policy document that becomes part of the General Plan upon adoption. Future requests for approval of a Community Master Plan within the jurisdiction of an area plan shall be found consistent and in accordance with the provisions of the area plan as such area plan exists at the time of approval of a Community Master Plan.

### C. ELEMENTS

All area plans shall address at least the following:

1. An identification of the boundaries of the area and the principles used to define those boundaries;
2. A description of the land uses appropriate for the area, including the amount of area to remain undisturbed or undeveloped;
3. A delineation of the intensity and density of land uses designated by the area plan;
4. A description of proposed access and circulation (a traffic study may be required);
5. A description of public facilities necessary to serve the development to include quantitative analysis based on acceptable standards;
6. Other measures required or found to be necessary to insure the execution of the General Plan.

### D. ADOPTION

All area plans shall be adopted by the Town Council by resolution in accordance with Section 7-8-4 of this Code.



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## SECTION 7-3-3 COMMUNITY MASTER PLAN

### A. PURPOSE

The purpose of the Community Master Plan (also referred to as “Master Plan”) is to provide a means of regulating large master planned developments in the Planned Community Zoning District. A Master Plan establishes Zoning Districts and regulations, densities, provisions for public facilities, design regulations, phasing schedules, and procedures for administration and implementation.

#### 1. RELATIONSHIP WITH THE GENERAL PLAN

The Community Master Plan shall reflect the goals and objectives of the General Plan and shall be found consistent with its purpose and intent. The Master Plan may be adopted without an area plan being adopted first. If an area plan has been previously adopted, the Master Plan shall be consistent with the land use, densities and other provisions of the adopted area plan.

#### 2. RELATIONSHIP TO THE ZONING DISTRICT MAP

Adoption of a Master Plan does not change the Zoning District Map of the Town of Buckeye. Rather, the Master Plan becomes an allowed use within the Planned Community Zoning District. Any land uses shall be permitted only if in accordance with the Master Plan.

#### 3. RELATIONSHIP WITH THIS CODE

For master planned developments, land uses, densities, intensities and other development standards are established as set forth in the Community Master Plan applicable to the master planned development at the time the Community Master Plan is adopted as part of the Development Agreement between the Town and the developer. The Town may at any time amend existing, or adopt new, laws, rules, regulations and standards of development applicable to development of property under the jurisdiction of the Town. In the event that the new laws, rules, regulations and standards of development conflict with those of the existing Community Master Plan, the new laws, rules, regulations and standards of development shall govern subject however, to vesting provisions of Arizona law.

If the amendment of existing, or new, laws, rules, regulations and standards of development affect an amendment of existing standards under a Community Master Plan, such new standards shall be incorporated by the Town Community Development Director into the existing Community Master Plan, and shall be in effect thirty (30) days following the Town Council’s approval of the new, or amended, laws, rules, regulations and standards of development.

#### 4. DEVELOPMENT AGREEMENT

The Master Plan shall be adopted as part of a Development Agreement between the Town and the developer. Said Development Agreement shall specify all provisions and regulations needed to implement the Master Plan.



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## B. APPLICABILITY

Upon the adoption of the Master Plan in accordance with the provisions of this Code, any development within the jurisdiction of the Master Plan shall be in accordance with the provisions of such Community Master Plan, and any subsequent amendments to such Master Plan.

## C. CONTENTS

The applicant shall provide the following information for the Town to review prior to adoption of a Community Master Plan. The Town may request additional information if it is found to be relevant and necessary to review of the such Master Plan. The Town may also waive the need for any of the following required information if it is found not to be relevant or necessary.

1. Land uses that will be permitted along with the location of each land use.
2. Permitted densities and/or parcel sizes.
3. Property development standards, subdivision and street standards, and other design regulations that may be different than those given in this Code.
4. Identification of village or community centers and neighborhoods. (This should correspond to the phasing plan).
5. Master drainage plan (in conjunction with drainage study).
6. Master street and circulation plan (in conjunction with traffic study).
7. Master water and wastewater plan (in conjunction with water and wastewater study).
8. Master pedestrian and trails plan, including design standards and phasing.
9. Public facility plan, including provisions and phasing for schools, libraries, police and fire stations, drainage improvements, streets, public and common recreation facilities, and other public improvements.
10. Phasing and improvement schedule ( including commitments for funding, public dedications and exactions).
11. Provisions for common area maintenance and homeowners associations.
12. Air quality studies or other environmental studies as may be required for adherence to state and federal regulations.

## D. DESIGN FEATURES

Any Community Master Plan shall strictly adhere to the goals and policies established by the General Plan. In particular, a Master Plan shall be designed to achieve the following:

1. A strong sense of community based on a shared physical and economic environment. The community is clearly identified from others with a distinctive character.



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2. A recognizable, functionally diverse, visually unified community center, where dwellings, shops and employment areas are located within close proximity and easily accessible.
3. Recreational facilities and civic buildings which are accessible to all and appropriately placed within walking distance of residences.
4. A hierarchy of streets, some narrow and convent, for a balanced mix of both pedestrians and automobiles, while other streets are wider to carry traffic in an efficient and safe manner.
5. Well configured common areas, streets, parkways, and block patterns, dedicated to collective social activity, recreation, and visual enjoyment.
6. A significant amount of common area, area to be left in its natural state and open space, separating and defining neighborhoods, providing links for pedestrians and bicyclist and protecting an area's natural beauty.
7. Densities and subdivision design that vary and reflect the physical terrain as well as carry forward that concept of the General Plan or adopted area plan.

## E. ADOPTION

A Community Master Plan shall be adopted by the Town Council via a Development Agreement in accordance with Section 7-8-4 of this Code.



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## **ARTICLE FOUR**

### **ESTABLISHMENT OF ZONING DISTRICTS**

#### **SECTION**

#### **7-4-1**

#### **ZONING DISTRICTS**

For the purposes of this Code, the Town shall be divided into seven Zoning Districts as stated herein. Requests for changes from one Zoning District to another shall only be approved when found consistent with the intent and purposes of the General Plan.

A. **RURAL RESIDENTIAL**

The Rural Residential Zoning District is designed to accommodate low density residential development in outlying areas where all public services may not be available.

B. **PLANNED RESIDENTIAL**

The Planned Residential Zoning District is designed to accommodate all subdivided residential developments to which public services are available.

C. **MIXED RESIDENTIAL**

The Mixed Residential Zoning District is designed to accommodate both single and multiple family residential development, historic residential neighborhoods and compatible commercial uses.

D. **PLANNED COMMUNITY**

The Planned Community Zoning District is designed to accommodate all land uses approved as part of a Community Master Plan, where specific uses, public services, densities, and design criteria have been identified and adopted.

E. **COMMERCIAL CENTER**

The Commercial Center Zoning District is designed to accommodate a variety of commerce and specialized development, including commercial uses which comprise the central business district of the Town.

F. **GENERAL COMMERCE**





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The General Commerce Zoning District is designed to accommodate general commercial and employment uses and compatible industrial uses to which public services are available.

## G. SPECIAL USE

The Special Use Zoning District is designed to accommodate uses in natural hazard or floodplain areas or those under public ownership where development may not be possible because of flooding or other constraints or if development is possible, it is sponsored by the Town as a public purpose.

## SECTION 7-4-2 ZONING DISTRICT MAP

There shall be a map known and designated as the Zoning District Map of the Town of Buckeye, which shall be certified by the Town Council with the signature of the Mayor affixed thereto and made part of this Code.

### A. BOUNDARIES

The boundaries of each Zoning District shall be established as shown on the Zoning District Map. Where uncertainty exists with respect to any of the boundaries of the Zoning Districts, the following rules shall apply:

1. Where Zoning District boundaries are indicated as approximately following the center line of roadways, municipal boundaries lines, stream bed or canal lines, or property lines, such lines shall be construed to be such boundaries.
2. No Zoning District boundary shall be established to divide one lot into two or more districts unless approved by the Town Council.

### B. AMENDMENTS

Amendments to the Zoning District Map are accomplished using the administrative procedures given in Section 7-8-4.

1. The Community Development Director shall update the Zoning District Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendment on the map, the Community Development Director shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.
2. Changes made to the Zoning District map shall be made part of and included with copies of the General Plan.
3. No unauthorized person may alter or modify the Zoning District Map.
4. Superseded copies of the Zoning District Map shall be kept for historical reference.



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## SECTION

## 7-4-3

## PERMISSIBLE USES

Permissible uses within each district shall be in accordance with Table 4-A. The presumption established by this Code is that all legitimate uses of land are permissible within at least one Zoning District. Therefore, because the list of permissible uses set forth in Table 4-A, Permissible Uses, cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

**TABLE 4-A PERMISSIBLE USES**

Note: Conditional Uses are designated with a “C” all other permitted uses are designated with a “P”

PRINCIPAL USE	ZONING DISTRICT						
	RR	PR	MR	PC	CC	GC	SU
Airport and related uses						C	C
Amusement facility						C	C
Animal production/breeding	P						P
Automotive service/repair					P	P	
Bar, lounge, or tavern					C	C	
Bed and Breakfast	C		C		C		
Boarding house	C		C		C		
Bowling alley					P	P	
Building material sales (outdoor)						P	
Cabinet making/woodworking	P				P	P	
Campgrounds, overnight	C						C
Cellular/radio tower	C					C	C
Cemetery	C				C		C
Clinic/health care facility	P				P	P	
Club, private nonprofit					P		P
Commercial Ranch	P						P
Convenience storage					P	P	
Crop production	C	P		P		P	P
Dairy	C						P
Day care center	C		C		C	C	
Equipment and tool rental					P	P	
Feed store	P				P	P	
Funeral home					C	C	
Golf course/resort	C	P	P			P	P
Group home			P		P		
Guest room	P				P		
Home occupation	P	P	P		P		
Hospital					C	C	
Hotel/motel					P	P	
Kennel	C						
Liquor store					C	C	
Machine shop						P	



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## TABLE 4-A (Con't)

Note: Conditional Uses are designated with a "C" all other permitted uses are designated with a "P"

PRINCIPAL USE	ZONING DISTRICT						
	RR	PR	MR	PC	CC	GC	SU
Machinery and equipment storage						P	
Machinery sales and service						P	
Manufactured home park			C		C		
Manufactured home subdivision	C	C					
Manufacturing, custom	P				P	P	
Manufacturing, general						P	
Master Planned Community				P			
Meat processing, commercial						C	
Multiple family dwelling			P		P		
Museum					P	P	P
Nursing home			C		C		
Office building			P		P	P	
Places of public assembly					P	P	P
Places of worship		P	P		P		
Plant nurseries, retail					P	P	
Plant nurseries, wholesale	P					P	
Quarters for caretaker	P				P	P	P
Recreational vehicle park	C				C		C
Residential facility	P	P	P	P	P		
Residential ranch	P	P					
Retail, convenience establishment					P	P	
Retail, general establishment					P	P	
Riding stables and corral	P						P
Roadside stand	P						
Rodeo arena						P	P
Satellite earth station	C					C	C
Schools, public and private			P		P		P
Service establishment					P	P	
Shopping center/plaza mall					P	P	
Single family dwelling	P	P	P	P	P		
Social service facility			C				
Swap meet						P	P
Truck repair and overhaul						P	
Truck stop						P	
Vehicle and RV sales/service						P	
Vehicle storage						P	
Veterinary clinic					P	P	
Veterinary hospital					P	P	
Warehousing, retail					P	P	
Warehousing, wholesale						P	
Zoo, private or public	C					C	C



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## SECTION 7-4-4

## ESTABLISHMENT OF NEW USE

(Revised March 17, 1998)

### A. CHANGE IN USE

Any proposed new use or change in use will be classified into one of the following three categories:

1. Major Use - all multi-residences, office, commercial, and industrial projects that meet any one (1) of the following requirements:
  - a. Any new development or construction.
  - b. Any change in occupancy as classified by the Uniform Building Code.
  - c. Any expansion greater than fifty (50%) percent of an existing site, building or structure.
  - d. Any amendment to a Site Plan that has been approved by the Development Board after August 19, 1996.
2. Minor Use - those uses which do not meet the above requirements and are not a conditional use as defined below.
3. Conditional Use - Any use which requires approval from any governmental agency or has the ability to adversely impact adjoining uses. Conditional Uses are listed as "C" in Table 4 - A, Permissible Uses.

### B. APPROVAL OF USE

Prior to any new use or change of use, approval must be granted in accordance with the following:

#### 1. MAJOR USE

A major use requires Site Plan Approval by the Development Board (using the Use Permit procedures set forth at § 7.8.4C) and issuance of a building permit by the Community Development Director. Approval of the actual use is not required.

#### 2. MINOR USE

A minor use requires Site Plan Approval and issuance of a building permit by the Community Development Director.

#### 3. CONDITIONAL USE

A Conditional Use requires issuance of a Use Permit and Site Plan approval by the Development Board and issuance of a building permit by the Community Development Director.

### C. DURATION OF SITE PLAN APPROVAL

An approved Site Plan shall be valid for a period of one (1) year from its date of approval



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## SECTION

## 7-4-5

## ACCESSORY USE

Whenever an activity is conducted in conjunction with a principal use and constitutes only an incidental or insubstantial part of the total activity that takes place on a parcel, and is commonly associated with the principal use, then it may be regarded as accessory use. The following are allowed as accessory uses and are restricted as noted.

### A. ANIMALS

On parcels of at least 0.5 acre, domesticated farm animals are allowed as an accessory use provided the use is non commercial, the animals are kept for the use of the residents only and is incidental to the residential use.

### B. OUTDOOR STORAGE

Outdoor storage is only allowed as an accessory use under the provisions of Section 7-5-8.

### C. HOME BUSINESS

Home based businesses are an allowed accessory use when defined as a home occupation. The following shall not be allowed:

1. Advertising signs
2. On premise employees who do not reside at subject dwelling
3. Heavy machinery
4. Outdoor storage
5. Chemicals, materials or equipment not normally found in a residential area

### D. ACCESSORY BUILDINGS

Accessory buildings are only allowed if constructed and used within the provisions of Section 7-5-1.

### E. YARD SALES

Yard sales are permitted as an accessory use in a residential area not to exceed three (3) days in any one month (30 day) period. Yard sales are not permitted as an accessory use to a commercial use.

## SECTION

## 7-4-6

## TEMPORARY USE

### A. GENERAL REQUIREMENTS

1. Special Events which, upon the determination of the Community Development Director, have the potential to adversely impact surrounding properties or which may pose a risk of safety, shall be required to obtain Special Event approval from the Town Council. Special Event approval may be granted by the Town Council upon receipt of a Special



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Event application. Special Event applications shall be made available by the Community Development Director to the public.

2. All other temporary uses must obtain a Use Permit from the Development Board.
3. Temporary uses shall not be approved for longer than 30 days except those temporary uses associated with construction work may be permitted for a period not to exceed six (6) months.
4. The Town Council shall have the ability to modify, add to or waive the following standards as necessary to carry out the purposes of this Code.

## B. SPECIAL EVENTS

1. The event shall not be conducted between the hours of 10:00 p.m. and 6:00 a.m. Lighting shall be placed to reflect light away from adjacent dwellings.
2. All temporary structures/tents shall be located at least fifty (50) feet from a residential use and not exceed fourteen (14) feet in height.
3. Driveways, sidewalks, streets, or parking areas shall not be blocked or their function impeded. Provisions shall be made to provide for the safe and efficient flow of traffic during the event.

## C. CONSTRUCTION

Temporary buildings used in conjunction with construction work shall be permitted for the period of construction.

1. Buildings shall only be permitted on the same parcel, or in the case of construction of a subdivision, in the same subdivision as the construction work.
2. Trailers or offices shall clearly be incidental to the construction work.
3. Temporary buildings shall be removed upon completion or abandonment of the construction work.

## D. TEMPORARY HOUSING

The Community Development Director may, if no practicable alternative is available, permit temporary housing in a recreational vehicle for a period not to exceed seven (7) days. Approval shall not be granted for more than seven (7) days in a six (6) month period without approval of a Use Permit.

## E. EMERGENCY OR NATURAL DISASTER

In the event of an emergency or natural disaster, the Community Development Director is allowed to permit additional temporary structures and uses as may be necessary for the safety and health of the general public.



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## SECTION 7-4-7 LAND USE STANDARDS

### A. PURPOSE

The purpose of property development standards contained in this Code is not to restrict imagination, innovation, or variety, but rather assist in focusing on those elements of design which can produce creative solutions that will develop a satisfactory visual appearance, preserve property values, limit incompatibilities, and promote the public health safety and welfare. Refer to Section 7-1-3 for specific purposes of this Code.

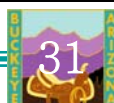
### B. APPLICABILITY

The use of or construction, improvement, or other development of any portion of land within the jurisdiction of the Town shall be subject to all of the property development standards contained in this Code and other applicable sections of the Town of Buckeye Town Code.

### C. MODIFICATION ALLOWED

1. The Development Board, in accordance with the provisions of this Section, is authorized to alter dimensional requirements for building spacing, setbacks, lot widths, building heights, parking requirements and other design standards contained in this Code as part of the site design review process. Standards may only be altered upon a finding of the Development Board that the intent and purpose of this Code, as given in Section 7-1-3 is satisfied.
2. The burden of proof shall be upon the builder or developer wishing to have the standards altered. The Development Board may, in waiving or allowing modification of a certain standard, request additional improvements to compensate for the modification. For any adjustments to the property development standards, the developer may also be required to submit additional studies drawings or reports, including alternatives, as specified by the Development Board.
3. As part of a site design review process, the Development Board is hereby given the right to impose additional conditions and standards, only after finding such standards are absolutely necessary to meet the purpose of this Code, to protect public health and safety, protect adjoining property values, and bring the requested use into harmony with the surrounding area. It shall be the burden and responsibility of the Development Board (or Town Council upon appeal), to prove that the additional standards imposed are both a direct result of the impacts from the proposed development or use and that they are absolutely necessary for reasons as stated above.
4. All additional or altered requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Code.

## ARTICLE FIVE





# Town of Buckeye Development Code

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## PROPERTY DEVELOPMENT STANDARDS

The following standards are minimum standards to be used in the development of property.

### SECTION 7-5-1 ACCESSORY BUILDINGS

- A. An accessory building shall not be constructed prior to the construction of the principal building.
- B. Residential accessory buildings shall not:
  - 1. Exceed the height of the principal structure.
  - 2. Be located within ten (10) feet of the principal structure.
  - 3. Occupy more than twenty-five percent (25%) of the rear setback area.
- C. Accessory buildings shall be located to the rear of the principal building. (For additional setback information, see Section 7-5-12)
- D. Accessory buildings shall not be used for dwelling purposes.

### SECTION 7-5-2 AIR QUALITY

#### A. PURPOSE AND INTENT

Air quality within the Town is a natural asset. It is the intent of these regulations to maintain air quality by controlling dust caused by new development and motor vehicle traffic.

#### B. CONFORMITY

Any transportation projects, subject to federal air quality regulations, proposed for approval as part of a development application, shall not cause or contribute to the violation of, or have an adverse effect on, the adopted federal or national ambient air quality standards. The developer, prior to approval, shall prove conformity to the state air quality plan, as developed by the Maricopa Association of Governments, for all proposed transportation.

#### C. CONSTRUCTION





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Maricopa County Air Quality regulations shall (as hereinafter defined) be adhered to in any construction or development project. A Dust Control Plan may be required prior to any construction permit being issued for grading, excavation or construction. A Dust Control Plan shall contain:

1. A written description of how dust will be controlled, what method will be used, how often, or for how long.
2. A map of the affected area, noting property lines and adjacent structures.

## D. SURFACE AND TRAFFIC CONTROL

1. For any drive-in establishment, a directional sign shall be posted to encourage reduced vehicle idling.
2. Development plans shall be designed to reduce traffic flows and encourage efficient traffic circulation.
3. Parking, loading and vehicle storage areas shall be maintained in a manner that minimizes dust emissions.
4. Vacant property, which is in its natural vegetative state, shall be maintained to minimize dust emissions beyond the boundaries of the site.
5. Air blowers used for landscape maintenance having a fifty (50) cubic centimeter engine or larger shall be prohibited.

## SECTION 7-5-3 BUILDING CONSTRUCTION

### A. GENERAL REQUIREMENTS

1. All buildings and structures, both existing and new, shall be maintained in a safe and sanitary manner.
2. All construction or work for which a permit is required shall be subject to inspection by the Community Development Director, according to Section 305 of the Uniform Building Code.

### B. UNIFORM CODES ADOPTED

The following codes are hereby made part of this code. In the event of a conflict between this Code and the uniform codes herein adopted, this Code shall supersede and prevail.

1. Those certain codes entitled-

UNIFORM BUILDING CODE, 1997 edition, published by the International Conference of Building Officials,



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NATIONAL ELECTRICAL CODE, 1996 edition, published by the National Fire Protection Association,  
UNIFORM PLUMBING CODE, 1997 edition, published by the International Association of Plumbing and Mechanical Officials,  
UNIFORM MECHANICAL CODE, 1997 edition, published by the International Association of Plumbing and Mechanical Officials,  
UNIFORM FIRE CODE, 1997 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association,  
UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 edition, published by the International Conference of Building Officials, and any and all supplements to said codes.

2. At least three (3) copies of the Codes listed in Subsection 7-5-3 (B)(1) shall be filed with the Office of the Town Clerk and made available for public use and inspection as required by A.R.S. Section 9-802.

## C. MOBILE AND MANUFACTURED HOUSING STANDARDS

The Community Development Director shall enforce the provisions of Section R4-34-202 and 203 of the State of Arizona Administrative Rules and Regulations of the Division of Mobile and Manufactured Housing Standards as they apply to utility connections and accessory structures pursuant to adopted Codes.

## D. FACTORY BUILT BUILDINGS

Factory built buildings, as defined herein, shall be treated as manufactured housing and constructed in accordance to standards contained in Article Six under Section 7-6-2, Manufactured Buildings.

## E. RELOCATED RESIDENCES

Relocated residences shall be considered a major use as defined in Section 7-4-4 and shall be subject to approval by the Development Board as outlined in Section 7-4-4 (B) (1). Applicants desiring to move a site built residence (not to include manufactured homes, mobile homes, modular homes, factory-built homes, pre-fabricated homes, or other similar structures) from one lot to another lot shall submit a site plan and elevations showing all applicable improvements necessary to meet the requirements of this Code, to protect public health and safety, protect adjoining property values, and to bring the relocated residence into harmony with the surrounding area. A performance bond shall be submitted to ensure that satisfactory completion of the relocation and exterior improvements take place within six (6) months and per the approved site plan and elevations. Time extensions may be granted by the Development Board upon receipt of a letter from the owner prior to the expiration date indicating proper cause.

## F. LICENSES REQUIRED

The design and construction of buildings shall be under the supervision of licensed engineers, contractors or architects when required by applicable state law. The Town will enforce and require adherence to state laws governing such and may refuse to issue permits if the applicant cannot provide documentation on licensing requirements.

## SECTION 7-5-4

## RESIDENTIAL DENSITY



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## A. PURPOSE

The regulation of density is to provide an orderly growth pattern, facilitate public facility planning, and allow an acceptable quality of life for the residents of the Town through provision for open space and public services.

## B. DENSITY DEFINED

The residential density shall be the number of dwelling units divided by the number of acres contained within a recorded plat. The manner in which density will be referred to is units per acre.

1. The density calculation includes all areas planned for residential use, common areas, minor streets, and local drainage retention areas.
2. The density calculation does not include non-buildable areas such as floodways or areas with slopes over twenty percent (20%).
3. The density calculation includes only areas planned for residential use. Commercial areas, industrial areas, and arterial street and major roadway right-of-way shall not to be included in the density calculation.
4. Residential density is a project density, and not calculated for an entire community or for the entire development project but for each area or plat planned as a single development or submitted under a single application. Densities for each phase of the project may receive an allotted share of the project density if so specified. Any density bonus requested must also be specified prior to approval .

## C. RELATIONSHIP TO REQUIRED LOT AREA

The minimum lot areas, in the Planned Residential and Planned Community Zoning Districts, as given in Table 5-L shall be waived when development is part of an approved subdivision plat or Community Master Plan, although minimum lot areas shall still be subject to approval of the Town when required to meet minimum safety requirements. Minimum lot areas shall still be applicable for development outside of a subdivision plat or Community Master Plan.

## D. MAXIMUM RESIDENTIAL DENSITY

The maximum density, as defined in this Section, of residential development within an approved Community Master Plan or subdivision, with the exception of subdivisions approved within the Rural Residential Zoning District, shall be three dwelling units for each acre (3 du/ac), which shall not include the density bonus allowances, if attained. The maximum density for subdivisions within the Rural Residential District shall be in accordance with the minimum lot area specified in Table 5-L.

## E. DENSITY BONUS

If a plat is deemed of exceptional quality, based on the amount of common area provided, the maximum residential density within a single subdivision plat may be increased, as described in Table 5-A:



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1. Developments of exceptional quality are encouraged to offer Town residents a sense of community and well being through appropriate subdivision design. If all design elements as contained in Section 7-7-6 are satisfied, a subdivision shall be deemed "Exceptional Quality".
2. Common areas serve a public purpose by improving the quality of life of the residents and minimize the cost to the Town by reducing the extent of utilities and roads needed within a development. Requirements and definition of common areas are given in Section 7-7-6.

## TABLE 5-A RESIDENTIAL DENSITY BONUS

Note: Only those developments deemed "exceptional quality" are eligible for a density bonus

Common Area	Density Bonus
Ten (10%) percent or more	0.5
Fifteen (15%) percent or more	1.0
Twenty (20%) percent or more	1.5
Twenty-five (25%) percent or more	2.0

Density Bonus is added dwelling units per acre allowed in addition to Subsection 7-5-4 (D)

Common Area is the amount of common area provided within an approved plat as a percentage of the total land area within said plat.

## SECTION 7-5-5 FLOOD CONTROL

### A. FLOODPLAIN MANAGEMENT

The Maricopa County Flood Control District is responsible for all floodplain management activities within the Town corporate limits of the Town. The District is authorized to exercise the powers and duties set forth in Title 45, Chapter 10, Article 4, Arizona Revised Statutes, within all areas of the Town.

### B. DRAINAGE PROVISIONS

#### 1. GENERAL REQUIREMENTS

Provisions for drainage shall meet the requirements of the Uniform Drainage Policies and Standards for Maricopa County. Facilities shall be installed to provide for the adequate containment and disposal of surface water and to maintain any natural drainage course, on any property or parcel within or affecting the Town.



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## 2. DRAINAGE REPORT

Prior to approval of any commercial, industrial, multiple family residential, or subdivision development, a drainage report shall be submitted to and approved by the Town Engineer.

## 3. DRAINAGE CLEARANCE

Drainage Clearance shall be required prior to permit issuance for any development or substantial improvement which may have an adverse effect on existing drainage.

## 4. FINAL INSPECTION

Drainage Inspection Approval shall be obtained prior to issuance of a Certificate of Occupancy or final building inspection of any site or structure.

## C. DRAINAGE DESIGN

### 1. GENERAL

The entire drainage detention and runoff conveyance system shall be designed to eliminate or minimize storm water runoff effects and convey the runoff through development with minimum detrimental effect. No system shall be approved if the effect may cause an increase in the peak discharge, volume or velocity of runoff or change the point of entry of drainage onto other property during the runoff event.

### 2. STORM FREQUENCY CRITERIA

The rainfall event, based upon the one hundred (100) year storm duration generating the peak discharge for the area contributing runoff to the development shall be used in designing the overall drainage system.

### 3. RETENTION OF STORM DRAINAGE

- a. The retention system shall be designed to reduce the post-development runoff to less than or equal to the pre-development runoff. For rural developments, on-lot retention is encouraged. For urban developments, on-site two (2) hour one hundred (100) year retention volume may be required.
- b. On-site retention facilities may include natural depressions or human-made basins.
- c. Individual lot retention shall not be permitted in residential subdivisions with a lot size less than one-half ( $\frac{1}{2}$ ) acre, except in conjunction with multiple family development.
- d. If reasonable alternatives are not available, retention in the Town's right-of-way may be allowed upon approval of the Public Works Director.
- e. A public utility easement shall not be designated for retention without approval of affected utility companies.



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- f. Off-site drainage shall either be to the street or to a designated drainage easement with adequate outfall.

## 4. STORM WATER DISPOSAL

On-site runoff that has been retained shall be disposed of within thirty-six (36) hours either by percolation, catch basins or drainage into an approved drainageway. Flows from basins shall not exceed pre-development flows and shall be in the location and direction of the historic flows.

## 5. FINISHED FLOOR ELEVATION

Finished floors shall be elevated a minimum of one (1) foot above the high point of the building site. A finished floor elevation may be other than the minimum permitted provided it is determined by technical data certified by an Arizona Registered Professional Engineer to be the minimum necessary to be safe from inundation by the one hundred(100) year peak runoff event. Finished floor elevation shall be referenced to a known benchmark.

## SECTION 7-5-6

## LANDSCAPING

### A. PURPOSE

Landscaping has a two-fold purpose: (1) to create an aesthetic environment; (2) to maintain groundcover for control of dust and weeds.

### B. LANDSCAPING REQUIRED

All new development, other than individual single family dwellings, shall provide landscaping in accordance with Table 5-B. The applicant shall submit a landscape plan to the Community Development Director for approval prior to building permit issuance.

1. All commercial and industrial development shall provide landscaping within the front setback area or between the building and the street frontage, whichever is less. On corner lots, landscaping is to be provided on both street frontages within the setback area or between the building (s) and the street frontages, whichever is less.
2. Landscaping shall be provided by a developer or subdivider between the public roadway improvements and the property line. Landscaping along collector and arterial streets shall be provided at a minimum rate of one (1) tree and three (3) shrubs for each thirty feet (30) of linear street frontage. Maintenance of the landscaping will be the responsibility of the developer unless accepted by the Town.

### C. IRRIGATION AND MAINTENANCE

All landscaping improvements shall include a suitable method for irrigation. Failure to maintain landscaping shall be cause for permit revocation or other enforcement action.



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## D. RIGHT-OF-WAY ENCROACHMENT

Landscaping allowed in the public right-of-way shall be a maximum height of three (3) feet. Trees may be allowed if branches are trimmed up to six (6) feet above ground level. The Public Works Director shall have the authority to order removal of any landscaping which, in the opinion of the Director, poses a hazard to the public.

**TABLE 5-B LANDSCAPING REQUIRED FOR NEW DEVELOPMENT (BY LAND USE TYPE)**

	Residential	Commercial	Industrial
Percentage of parcel to be landscaped	15%	10%	5%
Plantings required for landscaped area (gallons)	Ten gallons for each <u>25</u> square feet	Ten gallons for each <u>50</u> square feet	ten gallons for each <u>75</u> square feet
Acceptable groundcover	Turf, Granite	Turf, Granite, Undisturbed desert	Granite, Undisturbed desert

\*Groundcover plantings and layout must be approved by the Community Development Director.

\*Plantings shall be measured by the size of container containing the root structure.

\*Plant variety shall be on the Arizona Department of Water Resources approved plant list.

\*Residential requirements include only common areas within subdivisions and multiple family developments.

\*24" box equals 50 gallons and 36" box equals 75 gallons.

## SECTION 7-5-7

## LIGHTING

### A. APPLICABILITY

Indoor or outdoor lighting that is one hundred fifty (150) watts or less shall be exempt from the provisions of this Section.

### B. GENERAL STANDARDS

1. No source of illumination shall be directly visible from a public street or residential property.
2. Light intensity shall not exceed one (1) foot-candle on any adjacent property.



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## C. LIGHTING REQUIREMENTS

1. All fixtures are to be fully shielded. Metal halide and florescent fixtures are to be filtered. Mercury vapor fixtures are prohibited.
2. Fixtures over two hundred (200) watts shall be directed downwards.
3. The height of any fixture shall not exceed:
  - a. Fifteen (15) feet for residential uses
  - b. Twenty (20) feet for commercial uses
  - c. Forty (40) feet for industrial uses
  - d. Thirty-five (35) feet for any recreational or public use (ball fields and arenas exempted).

## SECTION

## 7-5-8

## OUTDOOR STORAGE

### A. GENERAL STANDARDS

1. Storage of materials, supplies or similar matter is prohibited outside an enclosed structure, unless associated with an industrial or agricultural use. Storage of inventory, materials, or other debris outside an enclosed building is prohibited in conjunction with a residential or commercial use.
2. Storage associated with an industrial or agricultural use shall only be allowed within the confines of a solid fence or landscape screen not less than six (6) feet in height, unless no practicable alternative is available.
3. Merchandise which is offered for sale may be displayed beyond the confines of an enclosed structure, the area of which shall not exceed ten percent (10%) of the principal building floor area, unless such merchandise is a type customarily displayed outdoors, such as automobiles and garden supplies.
4. No display or storage of any type shall be permitted within the one-half ( $1\frac{1}{2}$ ) of the required front or side street setback nearest the street, nor within any required interior side or rear setback.

### B. VEHICLE STORAGE

1. Mobile or manufactured homes are allowed to be stored only in conjunction with an industrial use and shall be placed in the rear half of the lot.
2. Recreational vehicles shall be parked to the rear of the front setback line.
3. Construction equipment or trucks over a two (2) ton gross weight, or similar sized vehicles, shall not be parked in a residential area.





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4. Inoperable vehicles shall be stored only in conjunction with an industrial use completely screened from view of a public street.
5. There shall not be any type of vehicle stored on a vacant parcel of land.

## C. TEMPORARY STORAGE

These regulations shall not be applicable to any storage being placed in a certain location less than twenty-four (24) hours, unless the storage constitutes a public hazard or nuisance.

## SECTION 7-5-9 PARKING AND TRAFFIC CIRCULATION

### A. PURPOSE

The purpose of this Section is to prevent congestion of the public streets by placing the responsibility of providing parking areas on individual property owners. Contained herein are standards intended to require attractive, effectively developed parking areas, with ample room for maneuvering and landscaping.

### B. TRAFFIC ACCESS

1. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
2. Alleys adjacent to a single family use may not be used for loading or parking.
3. Parking spaces shall have access from an access driveway and not directly from a public street.
4. The width of driveway entrances for all commercial uses shall be limited to forty (40) feet. Driveway entrances for industrial uses shall be limited to sixty (60) feet. All other widths are limited to twenty (20) feet with the following exception:
  - a. Single family homes with three or more car garages may have driveways not exceeding twenty-eight (28) feet wide provided that the total hardened surface does not exceed fifty (50%) of the total required front yard setback area.
    - i. For the purposes of this provision, the front yard setback area shall be measured as the widest point of the required front yard setback as multiplied by the required front yard depth.
5. All driveway entrances and other openings onto streets within the Town's jurisdiction shall be constructed so that:



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- a. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets.
  - b. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
  - c. Driveways shall not be less than twenty feet in length as measured from the face of the garage to closest street improvements.
6. Unless no other practicable alternative is available, all driveways and other openings shall be located a minimum of:
  - a. Seventy-five (75) feet from a street intersection,
  - b. Forty (40) feet from another access driveway
  - c. Twenty (20) feet from an interior property line
7. If driveway entrances and other openings onto streets are constructed in accordance with the foregoing standards, it shall be deemed in compliance with Paragraph 5 of this Subsection.
8. Direct driveway access shall not be provided onto an arterial street from any lot within any subdivision.

## C. PARKING REQUIREMENTS

### 1. STANDARDS

- a. Off street parking spaces shall be provided based on gross floor area as set forth in Table 5-C. Loading spaces shall be provided as per Table 5-D. Fractional results shall be rounded up to the nearest whole number if the fraction is 0.5 or greater.
- b. In the case of mixed uses, the total number of spaces shall equal the sum of the various uses computed separately as specified in Tables 5-C or 5-D.
- c. Accessible parking spaces shall comprise five percent (5%) of the total required spaces when over ten (10) spaces are required.
- d. A fire lane, having twenty (20) feet of unobstructed width, shall be provided when required by the Buckeye Fire Department.

### 2. DESIGN

- a. To control dust and drainage, parking areas shall be constructed with dust-free materials approved by the Town Engineer.
- b. All parking spaces shall be permanently marked, where practical.
- c. Dimension requirements as set forth in Table 5 - E shall be followed in the construction or modification of any parking area.



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- d. Unless no other practicable alternative is available, parking or loading spaces shall not be placed in the area of the front building set back. The preferred location shall be the interior of the lot.
- e. Paving shall be provided to a sufficient thickness to withstand repeated vehicular traffic, except for single family dwelling uses and agricultural uses. Additional construction standards may be imposed if special conditions warrant or if recommended by the Town Engineer.

**TABLE 5-C PARKING SPACES REQUIRED FOR NEW DEVELOPMENT (BY LAND USE TYPE)**

	<b>Parking spaces per 1000 square feet of gross floor area</b>	<b>Minimum spaces to be provided</b>
Single Family	1	2
Multiple Family	2	4
Public Assembly	3	10
Commercial	2	4
Office	1.5	2
Service Establishment	3	4
Industrial	1	5

\*Parking spaces are to be placed to the interior of the lot or to the rear or side of the principal building, if possible.

**TABLE 5-D LOADING SPACES REQUIRED FOR NEW DEVELOPMENT (BY LAND USE TYPE)**

	<b>Loading spaces to be provided per 10,000 square feet of gross floor area</b>	<b>Minimum spaces to be provided</b>
Single Family	N/A	N/A
Multiple Family	N/A	N/A
Public Assembly	1	N/A
Commercial	1	1
Office	1	N/A
Service Establishment	2	1
Industrial	0.2	2

\*Loading spaces are to be to the rear or side of the building.



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## D. PARKING STUDY OPTION

As an alternative to the requirements listed elsewhere in this Section, a parking and circulation plan may be submitted for approval by the Community Development Director, which plan shall find that an alternate design would fulfill the intent and purpose of this Section. The Development Board may require the study to be completed by a registered traffic engineer.

**TABLE 5-E PARKING/LOADING SPACE DESIGN REQUIREMENTS**

	90 DEGREE SPACES	60 DEGREE SPACES	45 DEGREE SPACES	LOADING SPACES
Width (standard)	9	9	9	12
Width (accessible)	13	13	13	N/A
Length (standard)	18	18	18	55
Length (accessible)	18	18	18	N/A
Aisle width	25	20	15	25

\*For 90 and 60 degree parking, aisle dimensions are 2-way

\*For 45 degree parking, aisle dimensions are 1-way

\*All dimensions are in feet

## SECTION

## 7-5-10

## SCREENING

### A. GENERAL REQUIREMENTS

1. A fence located between the principal structure and the front property line shall not exceed three (3) feet in height, unless associated with an industrial or agricultural use.
2. Fences may be allowed within the public right-of-way upon approval of the Public Works Director. The height of any fence shall be a maximum of three (3) feet. The Public Works Director shall have the authority to order removal of any fence which, in the opinion of the Director, poses a threat to public safety.
3. The height of any fence located between the principal structure and the rear or side property line shall not exceed six (6) feet unless associated with an industrial or agricultural use, in which case the fence may extend to a height of ten (10) feet.
4. Material used for fences shall be limited to those listed in Table 5-F.
5. The established line of fences along a street or property line shall in all cases be used in the placement of a new fence.
6. Chain link fences shall be limited to General Commerce, Rural Residential, and Special Use Zoning Districts.



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## B. REQUIRED SCREENING

1. New development shall provide screening in accordance with Table 5-F for those uses and improvements specified.
2. Any new multiple family, commercial or industrial use shall provide a “commercial buffer” ten (10) feet in width on any property line adjacent to or adjoining an existing or proposed single family dwelling. The ten (10) foot wide strip shall be landscaped.
3. The Development Board may require screening devices to be architecturally compatible with the materials and design of the site improvements. Walls or fences over fifty (50) feet in continuous length shall use an undulating pattern at minimum intervals of ten (10) feet to provide variety and visual interest.

## C. SWIMMING POOL ENCLOSURE

Swimming pools shall be entirely enclosed by a protective fence or solid wall of not less than five (5) feet in height.

### 1. APPLICABILITY

This Subsection applies to the following:

- a. New swimming pools used in conjunction with a Single Family Dwelling.
- b. New or existing swimming pools used in conjunction with a multiple-family use.
- c. New or existing swimming pools used in conjunction with a commercial or public use.

### 2. DESIGN

- a. The pool enclosure shall be set a minimum of twenty (20) inches from the edge of the water.
- b. The protective fence or wall shall have no vertical opening larger than four (4) inches. Wrought iron and wood fences shall be constructed with at least fifty-four (54) inches between the horizontal members.
- c. Gates shall be self-closing, self-latching, with latches being a minimum of fifty-four (54) inches above ground level. Gates shall swing out away from pool. Those gates not used for normal access to and from the pool do not need to be self-closing if secured by a padlock or other similar device in lieu of a latch.
- d. The protective fence or wall shall be located a minimum horizontal distance of fifty-four (54) inches from any structure, storage or equipment that could be used to climb the wall or fence from the outside.
- e. The protective fence or wall shall contain no opening, handhold or other means accessible from the exterior side of the enclosure that could be used to climb the wall or fence.



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- f. The protective fence or wall shall be constructed of block, wrought iron, wood, or other similar material approved by the Community Development Director. Chain link material shall not be used in a protective fence.
- g. All ground level doors with direct access to the pool area must be equipped with self-latching devices which shall be located at least fifty-four (54) inches above the floor and must be self-closing and must open in a direction away from the pool area.
- h. All openable dwelling unit or guest room windows on the first floor that have access to the pool must be equipped with: 1) screwed in place wire mesh screens, 2) keyed locks that prevent opening the window more than four (4) inches, or 3) self-closing and self-latching devices located no less than fifty-four (54) inches above floor. This provision shall not apply to emergency escape or rescue windows in sleeping rooms.
- i. Pet doors are not permitted to access pool area.

## 3. OWNER RESPONSIBILITY

It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (i.e. gates, latching devices, locks, etc.) are maintained in safe and good working order.

**TABLE 5-F REQUIRED SCREENING FOR NEW DEVELOPMENT (BY USE)**

	Minimum height required for screening	Materials allowed to be used for screening
Commercial buffer	6	1
Refuse container	6	1
Vehicle display	2.5	1,2,3
Parking area	3	1,3
Outdoor storage	6	1,4,5
Mechanical equipment	3.5	1,3,5

\*All measurements are in feet

\*Outdoor storage allowed only in conjunction with an industrial or agricultural use

\*Materials for fence construction shall be limited to the following:

- 1. masonry block
- 2. wrought iron
- 3. landscape screen
- 4. chain-link with slats
- 5. wood

Other materials may be allowed upon the Community Development Director's finding that they are similar to those listed above.



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## SECTION

## 7-5-11

## SIGNS

### A. PURPOSE

The purpose of this Section is to provide standards for signs which encourage the development of private property in harmony with the desired character of the Town as well as enhance the safety and enjoyment of travel, by the appropriate sizing and placement of signs along public streets.

### B. PERMIT REQUIRED

The placement of signs, except as listed below, shall require a building permit issued by the Community Development Director in accordance with Section 7-8-3. Signs listed as follows are exempt from obtaining a permit:

1. Political signs and banners
2. Directional and traffic signs
3. Window signs not exceeding twenty percent (20%) of the window area.
4. Signs not visible from off property or business.
5. Signs pertaining to the lease, sale or rental of land or buildings, the size of which are six (6) square feet or less for parcels up to five (5) acres and twenty-four (24) square feet or less for parcels more than five (5) acres.

### C. PROHIBITED SIGNS

The following types of signs are prohibited:

1. Signs with audible devices, moving parts or flashing lights. This shall also include electronic messaging boards with moving words or letters.
2. "Sandwich" or portable signs and outdoor banners displaying product information.
3. Roof mounted signs or signs projecting above the roof line of a building.
4. Signs placed within the public right-of-way.
5. All signs mounted on, or applied to trees, utility poles, or public structures, except as otherwise provided.
6. Any sign determined to be a safety hazard to the flow of traffic.
7. Billboard or off-site advertising signs.
8. Commercial signs remaining at an abandoned or vacant building for a period exceeding one hundred eighty (180) days.



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## D. DESIGN STANDARDS

1. Signs shall not exceed the dimensions set forth in Table 5 - G and 5 - H.
2. Unless no other practicable alternative is available, all signs with the exception of directional signs, shall be located a minimum of ten (10) feet from the front or side property line.
3. Signs shall be located on the same parcel as the use for which they advertise.
4. Illuminated signs may be internally lighted in commercial and industrial districts. The source of illumination of any sign is to be shielded so that it is not visible from or causes glare or reflection onto adjacent properties and streets.





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**TABLE 5-G      MAXIMUM SIZE ALLOWED FOR FREE-STANDING SIGNS (BY LAND USE TYPE)**

	Maximum sign height allowed	Maximum sign area (in square feet) allowed
Multiple family	3.5	18
Public assembly	3.5	18
Commercial	20	72
Office	3.5	18
Service Establishment	15	32
Freeway commercial	65	250
Industrial	20	48

\*Only one free-standing sign per parcel is allowed

\*Signs are to be setback from the front property line ten (10) feet

\*All measurements are in feet or square feet

**TABLE 5-H      MAXIMUM SIZE ALLOWED FOR ATTACHED SIGNS (BY LAND USE TYPE)**

	Sign area allowed (in square feet) for each lineal foot of building facing the street frontage
Multiple family	0.25
Public assembly	0.25
Commercial	1.00
Office	0.50
Service Establishment	0.75
Freeway commercial	1.00
Industrial	0.50

\*Attached signs shall be placed below roof eave line

\*Each side of a building having a street frontage may be counted separate and used to place signs

\*Buildings located over fifty (50) feet from the street frontage are allowed to double the allowed sign area amount



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## SECTION 7-5-12 SETBACKS, HEIGHTS, LOTS, AND AREAS

### A. GENERAL REQUIREMENTS

1. Buildings shall be setback a minimum distance from property lines in accordance with Table 5 - I.
2. Height of buildings and distance of separation between buildings shall be in accordance with Table 5 - J.
3. Lot widths and building coverage shall be in accordance with Table 5 - K.
4. Lot areas shall be of a minimum size as set forth in Table 5 - L.

### B. ADDITIONAL REGULATIONS

1. Accessory buildings may be placed between the rear or side lot line and the rear setback line provided ten (10) feet is between the building and an alley or five (5) feet between the building and a property line.
2. Any building or structure housing farm animals shall not be located closer than twenty (20) feet to any property line.
3. Buildings, structures or other improvements shall not be placed or constructed in a manner which would result in a hazard to an adjacent airport, as determined by Federal Aviation Administration regulations.
4. Setbacks, and/or lot size shall not be reduced by any action of the property owner below the minimum required by this Code.

### C. EXCEPTIONS

1. Structure projections (bay windows, balconies, overhangs, etc.) will be allowed to extend three (3) feet beyond the front setback line and two (2) feet beyond the side setback line. Further projection may be allowed for buildings over two (2) stories.
2. The height regulations of this Section, except as restricted by Section 7-5-12 (B)(3), shall not apply to barns, silos, church spires, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, radio or television aerials, cellular communication facilities, ornamental towers or necessary mechanical structures, or water tanks provided the structure does not exceed seventy-five (75) feet in height and does not occupy a horizontal area in excess of 100 square feet or ten percent (10%) of the roof area of the building on which it is attached, whichever is applicable.
3. A lot of record existing at the time of adoption of this Code and legally created hereto, which does not meet the lot area requirements of this Code, shall be deemed non-conforming and shall not be required to meet setback or lot area requirements. The foregoing, notwithstanding, non-conforming lots shall be required to meet those lot area and setback restrictions which were in place at the time the lot of record was created.



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**TABLE 5-I REQUIRED BUILDING SETBACK FOR NEW DEVELOPMENT (BY ZONING DISTRICT)**

	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback
Rural Residential	40	20	20	40
Planned Residential	Setbacks shall be as required by the Rural Residential district or as determined by an approved plat			
Mixed Residential	10	5	5	10
Planned Community	Setbacks shall be as required by the Rural Residential district or as determined by an approved plat			
Commercial Center	0	0	0	15
General Commerce	20	50	50	50
Special Use	40	30	40	40

\*Rear setbacks shall be for principal buildings only.

\*All distances are in feet and are measured from their respective property line.

\*Residential setbacks in existing subdivisions shall be those in place at the time of plat approval.

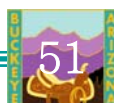
\*Commercial uses in Mixed Residential may use setbacks stated for the Commercial Center district.

\*See appendix B for the Setbacks of existing developments.

**TABLE 5-J RESTRICTIONS ON BUILDING HEIGHT AND SEPARATION FOR NEW DEVELOPMENT (BY ZONING DISTRICT)**

	Maximum Building Height	Minimum Building Separation
Rural Residential	30	20
Planned Residential	30	20
Mixed Residential	30	20
Planned Community	Building heights and separation will be as allowed in the Rural Residential District or if approved, as determined by the Community Master Plan	
Commercial Center	45	20
General Commerce	45	25
Special Use	45	25

**TABLE 5-K RESTRICTIONS ON LOT WIDTH AND COVERAGE FOR NEW DEVELOPMENT (BY ZONING DISTRICT)**





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	Maximum Lot Coverage (in percent)	Minimum Lot Width (in feet)
Rural Residential	20%	100
Planned Residential	Lot coverage and width will be as allowed in the Rural Residential District or as determined by an approved plat	
Mixed Residential	30%	75
Planned Community	Lot coverage and width will be as allowed in the Rural Residential District or as determined by the Community Master Plan	
Commercial Center	50%	100
General Commerce	50%	100
Special Use	N/A	N/A

\*All dimensions are in feet

\*The lot width requirements do not apply to existing lots.

## TABLE 5-L REQUIRED MINIMUM LOT AREA FOR NEW DEVELOPMENT (BY ZONING DISTRICT)

Rural Residential	Ten (10) acres unless part of an approved subdivision, in which case the minimum lot size shall be one (1) acre per dwelling unit.
Planned Residential	Lot size shall be as required in the Rural Residential district unless part of an approved subdivision, in which case there shall be no minimum lot size.
Mixed Residential	Ten thousand (10,000) square feet for single-family dwellings or two thousand (2,000) square feet per multiple family dwelling.
Planned Community	Lot size shall be as required in the Rural Residential district unless part of an approved Community Master Plan, in which case there shall be no minimum lot size.
Commercial Center	Ten thousand (10,000) square feet or three thousand (3,000) square feet per dwelling unit.
General Commerce	One (1) acre unless part of an approved subdivision, in which case there shall be no minimum lot size.
Special Use	Ten (10) acres

\*Lot area is the amount of land contained within a lot, measured in acres or in square feet.

\*Existing lots are exempted from lot area requirements listed above. Refer to Section 7-5-12 (C)(3)



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## SECTION

## 7-5-13

## TOPOGRAPHY

Given the diverse topography of the Town, this Section will apply to some areas more than others. For areas that have been under agriculture use, this Section may not apply.

### A. GRADE

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing plant and soil removal. Any grade changes shall be in keeping with the general appearance of the surrounding areas. The orientation of individual building sites shall be such to maximize natural topography. Topography, areas of intense vegetation, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

### B. STREETS

Streets shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

### C. BUILDINGS

Proposed development shall be related harmoniously to the terrain and related surroundings. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether they exist on the site or on adjacent properties.

### D. OPEN SPACE

All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

### E. HILLSIDE

Hillside development standards apply to all land wherever the natural terrain of the proposed disturbance areas within any lot or parcel has a slope of fifteen (15) percent or greater as determined by a registered professional engineer who is licensed to practice in the State of Arizona ("Hillside Area")

#### 1. General Provisions for Construction in Hillside Areas

In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following documentary requirements and certifications shall be provided for review by the Town Engineer and Town Building Inspector.

- a. A topographic map at an appropriate scale on a 24" x 36" sheet presenting the total lot and a twenty (20) foot area beyond the property line. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, and total cubic yards of excavation and fill.



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- b. Detailed site plans and landscape plans at an appropriate scale which show the following: grade and slope in percent of all disturbed areas; dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, and the method of concealment for each fill or exposed cut; dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc.; and the amount and degree of surface disturbance, destruction, or removal of natural vegetation.
- c. Cross-sections at 1:1 scale at two (2) or more locations perpendicular to the contours through the building site. Locations of the cross-sections shall be clearly shown on the topographic map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines.
- d. An overall excavation, grading, and drainage plan prepared and certified by a registered professional engineer who is licensed to practice in the State of Arizona.
- e. Where possible and appropriate, the combining of the above maps into one drawing may be acceptable.

## 2. HEIGHTS AND APPEARANCES

- a. For development within the Hillside Areas, the height of structures shall be determined by the following and not by the definition of building height as described in Section 7-2-1:

No part of any structure shall penetrate an imaginary plane (the “Sloping Plane of Measurement”), the height of which is thirty (30) feet measured vertically from the highest ridge or parapet of the building to the existing natural grade directly beneath that point. Minor topographic variations may be excluded from those measurements if those areas are less than twenty-five (25) feet in width. Exposed building walls measured in a vertical plane shall not exceed a height of thirty (30) feet measured from the lowest point of the wall to the top of the wall. In addition, the overall projected height will be measured from the lowest wall improvement attached to the main structure to the highest ridge or parapet, and be limited to forty-five (45) feet. Exceptions to the maximum height requirements are allowed for architectural features that are less than ten (10) percent of the entire roof area. The height measurements in Hillside Areas are depicted in Appendix C.

- b. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural setting to avoid high contrasts. The overall intent is to create a material and color palette that when utilized is deemed complimentary and compatible to the desert setting.
  - i. Structures, walls, roofs, and fences shall blend with the surrounding terrain and there shall be no material or colors used which have a light reflecting value (LRV) greater than thirty-five (35) percent.
  - ii. Mirror surfaces, or any treatment which changes ordinary glass into a mirror surface, is prohibited. Bright, untarnished copper or other metallic surfaces shall be treated so they are non-reflective.
  - iii. All electrical service equipment and sub panels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, solar



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panels, and antennas shall not be visible from the outside the property when viewed from the same or a lower elevation. Restrictions of solar panels and mechanical equipment may be modified if they are integrated into the roof design.

- c. Fences or walls on lots within a Hillside Area, excluding retaining walls, shall be restricted to privacy walls attached to or directly screening a portion of the main residence.

## 3. DISTURBED AREAS

Lots in Hillside Areas shall be developed to provide for the minimum amount of ground disturbance during the time of construction so as to prevent rock slides and falls, erosion, and seepage. At final construction, disturbed areas shall be hidden or supported by retaining walls, buildings, finished surfaces, or shall be landscaped.

- a. All buildings, structures and roads shall, to the fullest extent practicable, utilize the natural contours of the land so as to minimize the disturbed area.
- b. The maximum height of any cut or fill used to establish a building site or a driveway shall not exceed fifteen (15) feet. The maximum height of any cut or fill used to establish a road or roadway shall not exceed thirty (30) feet.
- c. The limits of construction and proposed disturbed areas shall be clearly designate on the property prior to and during construction with flags or visible roping. No disturbance outside the designated area shall take place.
- d. All surplus excavated material shall be removed from the lot.

## 4. ROADWAYS AND DRIVEWAYS

- a. If any portion of a driveway grade is more than twenty (20) percent, the entire residence and all necessary building over one hundred twenty (120) square feet of roof area shall be protected with an approved fire sprinkling system.
- b. Driveways with turning radii of less than thirty five (35) feet may be used provided all structures are protected with an approved fire sprinkling system.
- c. Any driveway cut greater than twelve (12) feet in depth shall not have a length greater than two hundred (200) feet.

## 5. RETAINING WALLS AND EROSION CONTROL MEASURES

- a. The design of all retaining walls and erosion control measures shall be prepared by a registered professional engineer or architect who is licensed to practice in the State of Arizona.
- b. Raw spill slopes are prohibited.
- c. All exposed disturbed are fill shall be contained behind retaining walls or landscaped.
- d. Retaining walls shall not exceed twenty (20) feet in height. If additional height is needed, the wall shall be offset at a minimum of four (4) feet or one (1) foot per one (1)



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foot of height. Privacy walls may be erected on a retaining wall so long as the total height does not exceed twenty (20) feet.

## 6. LIGHTING AND UTILITIES

- a. All outdoor lighting concepts, fixture types, lamps, and wattage for lot development shall be indicated on the site plan.
- b. Street lighting is discouraged unless deemed necessary for safety.
- c. All sources exterior lighting shall be screened to minimize impact on adjacent properties. All building mounted light fixtures shall shed light downward. Refer to Section 7-5-7 for detailed information.
- d. The use of fixtures to floodlight the exterior of a structure is prohibited.
- e. Recessed soffit mounted fixtures must have the lamp recessed into the soffit a minimum of 3".
- f. Only low voltage or incandescent type fixtures of a maximum of one hundred and fifty (150) watts shall be allowed for exterior lighting, unless otherwise approved by the Planning Director. Refer to Section 7-5-7 for details.
- g. Exterior landscape lighting requirements shall encourage "moonlighting" techniques where a path or tree is highlighted from above, rather than aiming fixtures up at the tree.
- h. Exterior spotlights may only be used for security purpose and must be set on a timer for a maximum of twenty (20) minutes. The light source must be shielded from view from adjacent properties.
- i. All on-site utilities shall be placed underground.

## SECTION

## 7-5-14

## UTILITIES

### A. SEWAGE DISPOSAL FACILITIES

1. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
2. Structures shall not be occupied without an approved wastewater source which has been deemed adequate by the Maricopa County Health Department and other applicable public agencies.





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## B. WATER SUPPLY SYSTEM

1. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
2. Structures shall not be occupied without an approved water supply system that has been deemed adequate by the Maricopa County Health Department and other applicable public agencies.

## C. ELECTRIC, TELEPHONE AND CABLE SYSTEM

Every principal use and every lot within a subdivision shall have available to it a source of electric power, telephone service and cable service adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

1. If the use is not in a subdivision and can be served by existing service via a simple connection (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center or would require an extension of a primary line) then no further certification is required.
2. If the use is in a subdivision (or is a subdivision) or is not served by existing service or a substantial internal distribution center would be necessary, or extension of a primary line would be necessary, then the utility company must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use or subdivision and development of such services would be in compliance with Subsection (D), underground utilities.

## D. UNDERGROUND SERVICE LINES

1. All utility lines, including irrigation service lines but not including transformers or enclosures containing equipment such as switches, meters or capacitors which are ground mounted constructed in subdivisions after the effective date of this Code, shall be placed underground in accordance with the specifications and policies of the respective utility company.
2. Whenever an unsubdivided development is constructed on a lot then all electric power, telephone, and cable television lines located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility company.

## E. REFUSE SERVICE

All commercial or industrial development shall provide one or more dumpsites for solid waste collection in accordance with the following:

1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way.
2. Constructed according to specifications established by the Public Works Director to allow for collection without damage to the development site or the collection vehicle.



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## F. RESPONSIBILITY FOR IMPROVEMENTS

1. Requirements in this Section apply to new development of single family residences, subdivisions, multiple family complexes, commercial, or industrial development.
2. The developer shall be responsible for construction of all utility systems including wastewater, water, electric, phone, cable, gas, irrigation, and refuse that are needed as a direct result of the development.
3. The extent of improvements required will be at the discretion of the Development Board in accordance with standards as contained within this Code.
4. Notwithstanding the above, any improvements assessed by the Development Board shall be limited to that which is necessitated as a direct result of the development.
5. Cost of the improvements may be guaranteed by the developer posting a performance bond or providing a letter of credit, in lieu of the developer actually constructing the improvements.

## SECTION 7-5-15 PUBLIC AREA IMPROVEMENTS

### A. PURPOSE

The purpose of these requirements is to promote road safety, assure adequate access for fire and rescue vehicles and promote adequate vehicular circulation.

1. Roads shall be so designed to minimize the visual size and scale of the development and help discourage excessive speeds.
2. Where appropriate, street widths and alignments should be carefully scaled to neighborhood size and patterned after the character of existing residential streets.
3. The amount of road pavement should be minimized through efficient layout and design.
4. The applicant must demonstrate that access from a primary road to the site is adequate, has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.

### B. COORDINATION OF STREETS

1. All new streets shall intersect with surrounding existing streets at safe and convenient locations. Collector, local, and minor residential streets shall connect with surrounding streets where necessary to allow convenient movement of traffic and reasonable access for emergency vehicles, but connections shall not be permitted where the effect would be to encourage the use of such streets by through traffic.
2. When connections to surrounding streets are proposed or required by the Town, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way.



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The Town may also require temporary turnarounds to be constructed for temporary cul-de-sacs between development phases.

## C. STREET LAYOUT

1. Cul-de-sacs and loop streets are encouraged so that through traffic on residential streets is minimized. Similarly, to the extent practicable, driveway access to collector streets shall be minimized to allow the free flow of traffic and prevent traffic hazards.
2. All permanent dead-end streets shall be developed as cul-de-sacs and extend no further than six hundred sixty (660) feet.
3. The right-of-way of a cul-de-sac shall have a radius of fifty (50) feet. The radius of the paved area of the turnaround shall be thirty-five (35) feet. If the center of the turnaround area is left unpaved, the area shall be landscaped and the pavement width shall be a minimum of twelve (12) feet.
4. Half streets (i.e., streets of less than the full right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the development, creates or comprises a street that meets the right-of-way and pavement requirements.
5. Streets shall be laid out so that residential blocks do not exceed six hundred sixty (660) feet, unless no other practicable alternative is available.

## D. STREET INTERSECTIONS

1. Streets shall intersect as nearly as possible at right angles, and no more than two (2) streets may intersect at any one (1) point.
2. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than one hundred fifty (150) feet.
3. Except when no other alternative is practicable or legally possible, no two (2) streets may intersect with any other street on the same side at a distance of less than four hundred (400) feet from centerline to centerline of the intersecting streets. When the intersected street is an arterial, the distance between intersecting streets shall be at least one thousand (1,000) feet.

## E. STREET DESIGN STANDARDS

1. Streets shall be related appropriately to expected use. Streets proposed in rural Zoning Districts shall be designed as set forth in Table 5 - M and streets constructed in urban Zoning Districts as set forth in Table 5 - N. Streets shall not be constructed in areas with slopes that, in the opinion of the Town Engineer, create a substantial danger to the public safety



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**TABLE 5-M RURAL STREET STANDARDS (BY STREET TYPE)**

	Minimum Right-of-way Width	Minimum Pavement Width
Local	40	24
Subcollector	50	28
Collector	70	32
Arterial (2 lane)	110	36
Arterial (4 lane)	130	60

\*All dimensions are in feet

\*Parking on-street allowed only on local and subcollector

\*Bike lane (4 feet in width) shall be provided on both sides of collector

\*Turn lanes and bike lanes shall be provided on arterials

**TABLE 5-N URBAN STREET STANDARDS (BY STREET TYPE)**

	Minimum Right-of-way Width	Minimum Pavement Width
Local	50	32
Subcollector	60	40
Collector	80	50
Minor Arterial (5 lane)	110	76
Major Arterial (7 lane)	130	104

\*All dimensions are in feet. Paving width to back of curb.

\*The width of sidewalks shall be 6 feet, except for local which shall be 4 feet.

\*Parking on-street allowed only on local and subcollector.

\*Bike lane (4 feet in width) shall be provided on both sides of collector.

\*Turn lanes and bike lanes shall be provided on arterials.

\*Sidewalks shall be separate from roadway on arterials.

2. Construction and design details for all classification of streets shall be as set forth by the Town of Buckeye Engineering Standards and all such improvements shall be constructed in accordance with these standards.



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3. Streets constructed as set forth in Tables 5 - M may provide a concrete ribbon curb or thickened edge on either side in lieu of standard curb, gutter and sidewalk, so long as the street grade does not exceed six percent (6%). Streets constructed as set forth by Table 5 - N, shall provide a standard curb, gutter and sidewalk.
4. All streets shall be constructed with adequate drainage ways to convey street run-off. The Town may require construction of culverts, bridges, etc., so as to provide access with a maximum flow of eight (8) inches in depth over a culvert or overflow section during the one hundred (100) year peak flow event.
5. Gutters shall use ninety (90) degree curbing, except that alternative designs may be considered along minor and local streets within residential subdivisions. Street pavement shall be measured from back of curb where ninety (90) degree curb is used, and from the outside edge of the curb where ribbon curb is used. Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow.
6. Other suitable designs and materials may be approved for the construction of streets, curbs and sidewalks when in the opinion of the Development Board, such methods would be more environmentally desirable or more in keeping with the design of the development or neighborhood.

## F. RIGHT-OF-WAY LANDSCAPING

Landscaping shall be provided for all public areas in conjunction with development in accordance with the following:

1. All right-of-way and drainage areas not used for street or sidewalk improvements shall be improved with landscaping in accordance with Section 7-5-6.
2. The Town will accept for maintenance all landscaping improvements made within the public right-of-way unless agreed to otherwise.

## G. BRIDGES

All bridges shall be constructed according to Maricopa Association of Governments ("M.A.G.") standards, except bridges not intended for public dedication may be approved by the Town Engineer if designed by a registered professional engineer.

## H. FIRE HYDRANTS

1. Every new development (subdivided and unsubdivided) that is served by a public water system shall include a system of fire hydrants which are constructed according to M. A. G. standards.
2. The Fire Chief shall determine the precise location, number and type of all hydrants depending on the location, building size, density and lot size of the subject development.
3. Water lines that serve hydrants shall be at least six (6) inch diameter, and unless no other practicable alternative is available, no such lines shall be dead-end lines.

## I. LIGHTING REQUIREMENTS



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1. All streets, sidewalks and other common areas or facilities in subdivisions created after the effective date of this Code shall be sufficiently illuminated to ensure the safety and security of persons and property.
2. All driveways, pedestrian and bicycle paths, parking areas, and other improved common areas located in or adjacent to new development shall be sufficiently illuminated to ensure the security and safety of persons and property.
3. Street lighting improvements shall be in accordance with the Town of Buckeye Engineering Standards.

## J. PEDESTRIAN AND BICYCLE CIRCULATION

1. Walkways and bicycle paths shall be provided to connect residences with parking lots, recreation facilities (including park land and open space), school and church sites, and commercial developments.
2. The design and construction of walkways shall be approved on the basis of safety, accessibility, suitability for use by all individuals including those motor impaired, as defined by the Arizonians with Disabilities Act of 1992, and surface suitability in terms of expected use and maintenance requirements. In areas with a less intensive use, pervious or gravel surface materials may be approved.

## K. RESPONSIBILITY FOR IMPROVEMENTS

1. Requirements in this Section apply to new development of single family residences, subdivisions, multiple family complexes, commercial, or industrial development.
2. The developer shall be responsible for construction of public streets, sidewalks, drainage ways landscaping, and other public areas that are adjacent to the development or that are needed as a direct result of the development.
3. The extent of improvements required will be at the discretion of the Development Board in accordance with standards as contained within this Code.
4. Notwithstanding the above, any improvements assessed by the Development Board shall be limited to that which is necessitated as a direct result of the development.
5. Cost of the improvements may be guaranteed by the developer posting a performance bond or providing a letter of credit, in lieu of the developer actually constructing the improvements.



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## **ARTICLE SIX**

### **SPECIFIC USE STANDARDS**

The following standards exceed and take precedence over those as given in Article Five.

#### **SECTION 7-6-1 MANUFACTURED BUILDINGS**

##### **A. NON-RESIDENTIAL USES**

A manufactured building is allowed to be used as an office or related non- residential use in conjunction with a primary industrial, institutional or public use. The placement of the manufactured building shall be accordance with the following standards:

1. The manufactured building shall be placed upon a permanent foundation, consisting of a concrete stem wall, with additional interior supports as may be required and fastened in a secure manner.
2. If the manufactured building is not new and is not similar in appearance to a conventional structure, modifications may be required such as exterior siding and roof eave overhangs and slope to make the structure appear conventional.
3. Approval for any non-residential use of a manufactured building shall rest with the Community Development Director.

##### **B. RESIDENTIAL USES**

A manufactured building may be used in conjunction with a residential use subject to the following:

1. Mobile homes (pre-1976) shall not be allowed for residential use.
2. Manufactured homes shall only be permitted within a manufactured home subdivision or manufactured home park, subject to approval of the Development Board.
3. Factory built buildings or other manufactured buildings shall be allowed as a manufactured home.

##### **C. MANUFACTURED HOME SUBDIVISIONS**

All homes are to be multi-sectional and placed upon a permanent foundation, consisting of a concrete stem wall, with additional interior supports as required. The multi-sectional home is to be secured and fastened to the foundation.



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1. The elevation of the finished floor is not to exceed that which would normally be allowed for a conventional structure in order that the manufactured building appear as much as possible like a conventional structure.
2. An enclosed two-car (minimum) garage shall be provided, preferably attached to and built into the home. The outside of the garage and home shall be finished with identical materials.
3. Power pedestals (electrical service section) shall not be permitted.
4. Homes may either be faced to the street or side property line. However, a consistent approach should be used and architectural features incorporated into the design of the home depending on which approach is used.
5. All other subdivision design standards as contained in this Code shall be applicable.

## D. MANUFACTURED HOME PARK/RV PARK

Responsibility for approval of the design of a recreational vehicle (RV) or manufactured home park shall rest with the Development Board. The following are to be used as minimum standards. Additional standards may be imposed by the Board only if so warranted.

### 1. GENERAL STANDARDS

- a. Interior private streets shall not be less than twenty-eight (28) feet in width, and shall be paved. Individual vehicle parking pads shall be plainly marked and paved. All other vehicle areas are to be paved. Other areas shall be covered with gravel or landscaping material.
- b. All utilities shall be provided, including water, sewer, electric, and phone. Lines are to be underground.
- c. Sufficient access is to be provided for emergency vehicles, including turn around areas. Hydrants, as specified by the Buckeye Fire Chief, must also be provided.
- d. All homes within manufactured home parks shall provide at least one hundred (100) square feet of enclosed storage area outside the area of the home. In addition, awnings and other architectural features may be required in order to provide a consistent design approach throughout the park.
- e. No more than one (1) manufacture home, travel trailer, park model or motor home shall be placed on each space.
- f. Off-street parking for at least two (2) automobiles shall be provided in each space or on each lot or on a separate designated parking area within a park.
- g. Screening shall be provided around the exterior of the park by a six (6) foot high masonry wall.

### 2. RV PARK STANDARDS

- a. Each RV space shall contain a minimum of one thousand five hundred (1,500) square feet, not including roadways or common areas.





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- b. Common areas must be provided and contain sufficient facilities for park residents. The size of the common areas provided shall equal ten percent (10%) of the entire park area. Parks containing less than fifteen (15) spaces are exempt from this requirement. Common areas must be improved with landscaping or recreational facilities.

## 3. MANUFACTURED HOME PARK STANDARDS

- a. Each Manufactured Home space shall contain a minimum of four thousand five hundred (4,500) square feet. Prior to approval, the maximum size of manufactured home that will be allowed for each space must be so designated.
- b. Common areas must be provided and contain sufficient facilities for park residents. The size of the common areas provided shall equal five percent (5%) of the entire park area. Parks containing less than thirty (30) spaces are exempt from this requirement. Common areas must be improved with landscaping or recreational facilities.
- c. All manufacture homes shall be skirted in a uniform manner.
- d. The minimum building setback, including accessory buildings, carports, awnings, patio covers, etc., from any lot line or street right-of-way shall be as set forth below:

<u>Setbacks</u>	<u>Feet</u>
i. Front	10
ii. Interior side	5
iii. Corner side	10
iv. Rear	10

## SECTION

## 7-6-2

## RURAL SUBDIVISIONS

### A. APPLICABILITY

For purposes of this Section, a rural subdivision shall mean any subdivision which has gross density of less than two units per acre.

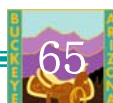
### B. DESIGN STANDARDS

During the approval process for a rural subdivision, the Development Board shall be guided by the following standards into the design of the subdivision:

#### 1. SIDEWALKS

Sidewalks are not required. Bridle paths, trails, and similar types of improvements shall be encouraged where appropriate.

#### 2. LIGHTING





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Street lighting is not required. For safety reasons, lighting may be required at all major intersections. Lighting on private property shall be in accordance with Section 7-5-7.

## 3. FENCING

Project perimeter fencing shall be required. An open design is encouraged. The design of project perimeter fencing shall be consistent and compatible with all other types of fencing allowed. Perimeter fencing for each lot is optional. Notwithstanding Section 7-5-10, higher fencing in front setback areas may also be allowed if deemed appropriate. Design standards and specifications for fencing are to be included in CC&Rs recorded with the plat.

## 4. NATURAL VEGETATION

All lots containing natural (undisturbed) desert vegetation are not to be graded, disturbed or cleared beyond the identified building envelope in the initial construction of a subdivision. Regulations on the ongoing use and maintenance of areas containing natural vegetation must be contained in the CC&Rs recorded with the plat.

## 5. DRAINAGE

Natural drainage areas outside of designated building envelopes must be preserved. Care is to be taken when establishing the building envelope to locate outside existing drainage areas. A natural drainage area is within twenty-five (25) feet of where water collects or drains in the course of a storm event.



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## **ARTICLE SEVEN**

### **LAND SUBDIVISION**

#### **SECTION 7-7-1 GENERAL PROVISIONS**

- A. Property within the incorporated limits of the Town may not be subdivided except in accordance with all the provisions of this Code.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other public improvements.

#### **SECTION 7-7-2 STREET NAMING**

- A. The subdivider shall indicate the street name for public streets on the preliminary plat by projecting existing north-south and east-west street names that fall in alignment. When no current streets are in alignment, the subdivider may propose a name based on the M.A.G. or Town street naming policy. All names are subject to final approval by the Town.
- B. Street sign posts shall be placed at all street intersections by the subdivider and shall be in place when street paving is completed. Specification for design, construction, location and installation shall be in accordance with Town roadway standards.

#### **SECTION 7-7-3 LAND SPLITS**

##### **A. PURPOSE**

Land Splits are regulated for the purpose of ensuring each parcel of land within the Town has sufficient public access, provision for water and waste disposal, adequate parcel size and dimensions for the use intended, and availability of public services.



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## B. REQUIREMENTS

The following requirements shall be met for any land split within the jurisdiction of the Town:

1. Parcel size and dimensions shall meet the requirements of the underlying Zoning District.
2. Adequate access for ingress/egress shall be provided.
3. Adequate provision for utilities, including electric, water and wastewater service shall be available and such availability shall be indicated on a survey submitted with a request for a land split.

## C. APPROVAL

A request for a land split shall be approved by the Community Development Director if the application meets all the requirements as stated in Subsection (B) above. At the time of approval, the Community Development Director shall provide a list of requirements which will be necessary for issuance of a building permit.

## SECTION 7-7-4 PRELIMINARY PLAT

### A. SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL

Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary plat approval is based on the following terms:

1. The basic conditions under which approval of the preliminary plat is granted will not be substantially changed prior to the expiration date of the preliminary plat.
2. Approval is valid for:
  - a. A period of twenty-four (24) months from the date of the Development Board approval.
  - b. Prior to the preliminary plat expiration date, the subdivider may request an extension of the preliminary plat in writing. A request to extend an approval of the preliminary plat submitted to the Town does not extend the current preliminary plat approval period. An applicant for an extension of a preliminary plat must, at a minimum, demonstrate that the applicant, or prior applicant on the preliminary plat, diligently worked towards the completion and submittal of a final plat after initial preliminary plat approval or prior extension.
  - c. An approved preliminary plat may be extended any number of times of up to twenty four (24) months each by the Development Board after receiving a recommendation from the Community Development Director. An applicant for an extension of a preliminary plat may appeal a decision on the application for extension to the Town Council.
  - d. A complete final plat application submitted to the Town of Buckeye meets the time requirements only for that portion of the preliminary plat included in the final plat. If the Town determines that a final plat application submittal is not complete, the applicant must submit the items or information required to complete the application within thirty



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(30) days of the applicant's receipt of written notice from the Town. If the 30-day period extends beyond the then current expiration date for the preliminary plat, the expiration date will be deemed extended to the end of the 30-day period for submittal of items or information to complete the final plat application.

- e. Any portion of a preliminary plat upon which a complete final plat application has not been submitted to the Town within the time frame set forth in this Section automatically expires.
3. All preliminary plats initially approved by the Town Development Board after January 1, 2000 shall be deemed valid and approval extended for twenty-four (24) months from the effective date of this Ordinance, only if they meet the following conditions determined in the discretion of the Town Community Development Director: (i) the applicant was unable to submit a complete final plat application and/or receive final plat approval due to significant Town of Buckeye public infrastructure planning and installation issues; and (ii) the Town of Buckeye public infrastructure planning issues impact an area larger than the preliminary plat itself. This paragraph does not apply to any preliminary plat approved after the effective date of this Ordinance.
4. Preliminary approval, in itself, does not assure final acceptance of streets for dedication nor continuation of existing development requirements for the tract or its environs.

## B. REQUIRED INFORMATION FOR PRELIMINARY PLAT

The information hereinafter required as part of the preliminary plat submittal shall be shown graphically, by note on plans, or by written report, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred (100) feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring twenty-four (24) by thirty-six (36) inches.

### Identification and Descriptive Data

1. Proposed name of subdivision and its location by section, township and range; reference by dimension and bearing to a section corner or quarter section corner.
2. Name, address and phone number of subdivider.
3. Name, address and phone number of person preparing plat.
4. Scale, north point and date of preparation, including dates of any subsequent revisions.
5. A location map which shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it, including main traffic arteries, public transportation lines, shopping areas, elementary and high schools, parks and playgrounds, and churches. This map may be on the preliminary plat if practicable, or if not, a separate map showing title, scale, north point and data shall be provided.

### Existing Conditions Data

6. Topography by contours or spot elevations related to U.S.G.S. survey datum, or other datum approved by the Town Engineer, shown on the same map as the proposed



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subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.

7. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; direction of flow; location and extent of areas subject to inundation, whether such inundation be frequent, periodic or occasional.
8. Location, widths and names of all platted streets, railroads, utility right-of-way of public record, public areas, permanent structures to remain, including Town utilities and municipal corporation lines within or adjacent to the tract. Two (2) copies of a preliminary title report showing the above shall be submitted.
9. Name, book and page numbers of adjacent subdivisions, along with county assessor number of all adjacent parcels having a common boundary with the tract.
10. By note, the existing Zoning District classification of the subject and surrounding tracts.
11. By note, the acreage of the subject tract.
12. Boundaries of the tract to be subdivided shall be delineated and fully dimensioned.

## Proposed Conditions Data

13. Street layout, including location, width of public and private streets, alleys, crosswalks and easements; connections to adjoining platted tracts. A traffic study may be required if evidence suggests that proposed subdivision may congest public streets or intersections.
14. Typical lot dimensions (scaled); dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbered individually; total number of lots.
15. Locations, width and use of easements.
16. Designation of all land to be dedicated or reserved for public use with use indicated.
17. If plat includes land for which multiple-family, commercial or industrial uses are proposed, such areas shall be clearly designated together with existing Zoning District classification.
18. Three (3) copies of any proposed restrictive covenants (deed restrictions).
19. Typical lots showing building footprints/envelope dimensioned, with proposed setbacks.

## Proposed Utility Methods

20. Statement as to the type of sewage disposal facilities. Additional information shall be provided by the subdivider as required by Subsection 7-5-14.
21. Statement as to the type of potable water facilities. Additional information shall be provided by the subdivider as required by Subsection 7-5-14 for evidence of an adequate volume and quality of potable water supply.
22. Preliminary calculations and layout of proposed drainage system and locations of retention areas.



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23. Statement as to the provision of other utilities being supplied to the plat area such as electric, phone, gas, and irrigation.

## SECTION

## 7-7-5

## FINAL PLAT

### A. GENERAL REQUIREMENTS FOR FILING

1. The final plat shall be prepared in accordance with this Code and shall substantially conform to the approved preliminary plat.
2. Land use proposed shall be in conformance with this Code and any amendments needed shall have received final approval prior to the filing of the final plat.
3. Prior to the filing of the final plat, the subdivider shall obtain approval from the applicable utility interests for easement location and width as required for utility purposes.

### B. REQUIRED INFORMATION FOR FINAL PLAT

The record plat shall be drawn with India ink on linen or mylar having a left-hand margin of two (2) inches on a sheet size of twenty-four (24) by thirty-six (36) inches. If more than two (2) sheets are required for the drafting of the final plat, an index sheet shall be filed showing the entire subdivision on one sheet and the portion thereof contained on the other sheets. Copies of the record plat shall be reproduced in the form of blue or black line prints on a white background. The final plat shall be drawn to a scale not to exceed two hundred (200) feet from an accurate survey.

### Identification Data Required

1. A title which includes the name of the subdivision and its location by number of section, township, range and county.
2. Name, address and registration number of seal of the registered civil engineer or registered land surveyor preparing the plat.
3. Scale, north arrow and date of plat preparation.

### Survey Data Required

4. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearing and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
5. Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
6. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced; each of two (2) corners of the subdivision



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traverse shall be tied by separate course and distance to separate section corner or quarter section corners.

7. Location of all physical encroachments upon the boundaries of the tract.

## **Descriptive Data Required**

8. Name, right-of-way lines, courses, lengths, width of all public streets, crosswalks and utility easements; radii, points of tangency and central angles of all curvilinear streets; radii of all rounded street line intersections.
9. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways, as designated by the Town engineer, shall be dedicated to the public.
10. All easements for rights-of-way provided for public services or utilities and any limitations of the easements. Construction within the easement shall be limited to utilities, and wood, wire or removable type fencing.
11. Location and dimensions of all lots.
12. All lots shall be numbered by consecutive numbers through the plat. "Exceptions," "tracts" and "private parks" shall be so designated, lettered or named, and clearly dimensioned.
13. Location, dimensions, bearing, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
14. Location of all adjoining subdivisions with date, book and page number of recordation noted, or if unrecorded or unsubdivided, so marked.
15. Any proposed private deed restrictions or restrictive covenants to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land shall be typewritten and attached to the plat and to each copy submitted. Deed restrictions shall in no way be less restrictive than requirements imposed by the Town of Buckeye.

## **Dedication and Acknowledgment**

16. Dedication: Statement of dedication of all streets, crosswalks, drainage ways, pedestrian ways, and other easements for public use by the person holding title of record, by persons holding titles as vendees under land contract, by spouse of said parties, lien holder and all other parties having an interest in the property. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication shall include a written location by section, township and range, of the tract.
17. Acknowledgment of dedication: Execution of dedication acknowledged and certified by a notary public.





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## Required Certifications

18. Certification by the registered civil engineer or registered land surveyor making the plat that the plat is correct and accurate and that the monuments described in it have either been set or located as described. The certification shall be accompanied by the signature and seal of such civil engineer or surveyor.
19. Certification by the Community Development Director that all lots shown upon the plat conform to this Code and are suitable for the purpose for which they are subdivided.
20. Certification by the Town Engineer that all engineering conditions and requirements of this Code have been complied with.
21. Certification by the Town Clerk of the date the plat was approved by the Town Council.
22. Certification of recordation by the county recorder.

## SECTION 7-7-6

## SUBDIVISION DESIGN

The purpose of the Subdivision Design Standards is to begin achieving greater diversity within new residential developments relative to lot sizes, subdivision layout, and single-family architecture. The standards set objectives for the developer/home builder to meet and are not intended to restrict or impede creativity and imagination. Requirements in this Section apply to all development and not only those in subdivided areas.

### A. EXCEPTIONAL QUALITY CERTIFICATION

Those residential developments which meet or exceed all of the standards in this Section will be deemed an *Exceptional Quality* development.

1. This certification allows the Development Board to grant increased density in accordance with Table 5 - A.
2. This provision does not exempt in any way residential developments from complying with the requirements of this Section.

### B. LOT DESIGN

#### 1. LOT WIDTH

- a. Minimum lot width shall be fifty (50) feet. No more than fifty (50%) percent of the total lot yield shall have lot widths between fifty (50) and fifty-nine (59) feet.
- b. Parcels that are eighty (80) acres and larger in size shall provide no less than thirty (30%) of the total lot yield at sixty (60) feet in width or greater and no less than twenty (20%) of the total lot yield at seventy (70) feet in width or greater.
- c. Parcels that are less than eighty (80) acres in size shall provide a minimum of three different lot sizes (at least five foot differential) within the same development.



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## 2. SETBACKS

- a. Minimum interior side yard setbacks shall be five (5) feet and eight (8) feet – thirteen (13) feet aggregate.
- b. Corner side yard setbacks that are adjacent to local streets shall be a minimum of thirteen (13) feet from the property line; twenty (20) feet adjacent to collector and arterial streets.
- c. Minimum rear yard setbacks shall be twenty (20) feet.
- d. Rear yard setbacks on all lots that back up to arterial streets, railroads, canals, electrical transmission easements, or commercial or industrial districts shall be a minimum of thirty (30) feet, unless a minimum ten (10) foot landscape tract, measured from the right-of-way line to the perimeter wall, is provided. The rear one (1) foot shall be recorded as a non-vehicular access easement.
- e. The space in any required yard shall be open and unobstructed, except for the ordinary projections of chimney flues, outside stairways and balconies, open lattice and other architectural features, provided such features shall not project further than three (3) feet into any required yard, and provided further that in no case shall such projections be nearer than five (5) feet to the property line. Window sills, belt cornices, eaves and other architectural features which occur at least eight (8) feet above grade may encroach three (3) feet into side yards and in no case nearer than three (3) feet from the property line. Shrubs and groundcovers may be planted within any side yard.
- f. Fire places, entertainment centers, and bay windows (including their cornices and eaves) may project into any required yard not more than three (3) feet, provided the sum of such projections on any wall does not exceed one-third (1/3) the length of the wall and provided further that in no case shall such projections be nearer than five (5) feet to the property line.
- g. Mechanical equipment, such as air conditioners, may be constructed within the rear or side yards provided that in no case shall said mechanical equipment be nearer than five (5) feet to the property line within a required side yard.
- h. Home builders shall stagger front yard setbacks by three (3) feet with no more than two homes in a row with the same front yard setback. Minimum front yard setbacks, as measured from the property line, shall be eighteen (18) feet. Rear yard setbacks shall not be affected by the front yard setback stagger.

## 3. GENERAL LAYOUT

The design and layout of lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, and abrupt changes in land use, heavy street traffic or other conditions.

- a. The lot arrangement shall be such that there will be no foreseeable difficulties in obtaining a building permit or in providing driveway access to buildings on such lots from an approved street.



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- b. Double frontage, reversed frontage, flag, or other odd shaped lots are to be avoided.
- c. Corner lots shall be larger than other lots in the same area to provide additional buffering area.
- d. Lots shall be so placed as to provide positive drainage away from all buildings.
- e. Lots shall be so configured to face as many as possible in a north/south direction.
- f. Lot widths on cul-de-sacs shall be measured as the distance in a straight line, between the side lot lines at the points of intersection with the front setback line.

## C. STREETS

In addition to those standards contained in Section 7-5-15, streets should incorporate the following design features and goals:

- 1. Minimize alteration of natural site features. When locating placement of streets, vistas from the street should be preserved. All street improvements should be in accordance with Section 7-5-13.
- 2. Minimize the area devoted to motor vehicle travel. The minimum width to accomplish the safe and efficient flow of traffic is to be used.
- 3. Promote pedestrian travel. Arterial and collector streets are to be separate from walkways and sidewalks.
- 4. Allow the privacy of residences by use of cul-de-sacs, appropriate right-of-way widths in relation to building height, and appropriate placement and location of parking.
- 5. Discourage excessive speeds.
- 6. Reflect the design of surrounding development.
- 7. Developers/home builders shall provide a curvilinear street system with safe traffic sight visibilities, particularly at intersections,
- 8. Developers shall provide a number of cul-de-sacs with a diversity feature such as a landscaped island, or pedestrian access to common open space.

## D. EASEMENT DESIGN

The width, location and purpose of all easements shall be provided on the final plat.

- 1. Utility easements shall be located to the front of lots where practicable.
- 2. Developers shall provide an eight (8) foot landscape tract adjacent to roadways when the side or rear yard of a lot abuts the public right-of-way for the purposes of siting public utilities.



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3. Drainage easements shall be provided for the retention of drainage from subdivision streets. Drainage shall not be shed to adjoining right-of-way.
4. Natural drainage easements are encouraged to preserve washes and streams. Easements should include twenty-five (25) feet of area on either side of a natural drainage area.
5. The private maintenance of all easements shall be provided for in the recorded CC&Rs for the subdivision.
6. Landscaping shall be provided by the developer or designee for all easement areas. Maintenance of the easement landscaping shall be provided for in the recorded CC&Rs for the subdivision.
7. Developers shall dedicate a Vehicular Non-Access Easement to the rear or side of any lot adjacent to open space or right-of-way.

## E. COMMON AREA DESIGN

Common areas, which can be undisturbed desert habitat, parks, common pasture, improved pedestrian or equestrian easements, community recreational facilities, water features, and play fields are required in every subdivision design in accordance with the following:

1. Developer/home builder shall create and record a set of covenants, conditions, and restrictions, establishing a homeowners' association which shall be responsible for the maintenance of all landscaping in all common areas and adjacent rights-of-way.
2. Location of the common areas shall be approved by the Development Board. The size of common areas shall determine any density bonus in accordance with Table 5 -A.
3. Developer/home builder shall provide unique entry features to the development featuring such elements as monument signing, special landscaping, specialty pavement, enhanced fence wall details, boulevard median, etc. (Note: all such elements must be maintained by a homeowners association and must not impede safe traffic visibilities).
4. Developers shall design and improve retention areas to be useable and accessible, i.e. not inundated by 10-year storm volumes for certain recreational purposes, such as basketball, volleyball, tot-lots, etc., as well as for specific site and architectural amenities such as ramadas, par courses, etc.
5. A minimum of one tot-lot play area is required per every project. The home builder shall provide more extensive playground equipment/active adult recreational amenities with larger scale projects with more than 100 homes. Said playground equipment/active adult recreational amenities shall be subject to Community Planning and Development Board approval.
6. Common areas shall be improved prior to the release of any financial guarantee.
7. Acceptance for maintenance responsibility by an approved party must be included on the final plat prior to approval.

## F. SINGLE-FAMILY ARCHITECTURE



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1. Roof material for residential developments, excluding flat roofs, shall be either all tile (e.g. barrel tile or flat concrete tile) or all composition shingles. A combination of the two within the same development shall be prohibited. Wood shake shingles are prohibited.
2. Each house shall include at least a two-car garage; carports are prohibited.
3. Home builders shall provide not less than six (6) house colors and three (3) roof colors.
4. Home builders shall upgrade rear or side elevations along arterial or collector streets and open space areas.
5. A minimum of three (3) front elevations for each house plan is required. The same house plan with the same or similar elevation shall not be placed on adjacent lots or directly across the street from one another.
6. Home builders shall provide elevations which have altering ridge lines and roof lines.
7. Home builders shall de-emphasize garage fronts as the most prominent architectural feature of the dwelling front by incorporating, e.g., side access garages, "in-line" garages, L-shape floor plans, etc., into their product mix.
8. Home builders shall emphasize distinctive architectural details in the front elevations, e.g., covered front entries, covered front porches, door and window details, roof overhangs, parapet walls with cap features, etc.
9. All air conditioning units/mechanical equipment shall be ground mounted and shall not be nearer than five (5) feet to the property line within a required side yard. Roof mounted air conditioning units may be permitted provided they are architecturally screened with a parapet and are perceived as an integral part of the building. Roof mounted mechanical equipment shall require approval from the Community Development Director.

## G. BUILDING ARRANGEMENT AND SITE DESIGN

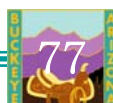
### 1. PAD LOCATION

Pad location is to be identified. The location should minimize disruption of light and views as well as ensure privacy of the surrounding lots. In areas of natural desert, location shall minimize plant and natural grade disruption. Developers/home builders shall be expected to provide reasonable plant salvage/protection of on-site indigenous plant material.

### 2. BUILDING MASS

- a. To avoid monotonous linear development, multiple family buildings shall be in small clusters designed as neighborhood units. A cluster shall not include more than thirty (30) units. The number of units in a row is limited to eight (8).
- b. Offsets in frontages, building mass, facades and other building features are required to create individualized spaces in residential areas.

### 3. PARKING





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- a. Parking shall be interior to multiple family projects. No more than twelve (12) parking spaces will be permitted in a continuous row. Double rows of parking must be separated by a minimum 6 foot landscaped area.
- b. If building lots are less than three thousand (3000) square feet, a minimum of fifteen percent (15%) of the required parking spaces shall be provided as common guest or overflow parking.

## **SECTION 7-7-7 ENGINEERING & CONSTRUCTION PLANS**

- A. It shall be the responsibility of the subdivider to have prepared by an engineer, registered in the State of Arizona, a complete set of engineering plans in accordance with all applicable Town Codes, for the construction of all required improvements. Such plans shall be in conformance with the approved preliminary plat.
- B. The Town Engineer shall approve the engineering plans unless they fail to conform with one or more requirements of this Code or the plans differ substantially from the plans and specifications approved in conjunction with the preliminary plat.

## **SECTION 7-7-8 GUARANTEE AND WARRANTY OF PUBLIC IMPROVEMENTS**

### **A. FINANCIAL GUARANTEE**

The Town Council shall require the subdivider to guarantee that all required improvements will be completed in a manner satisfactory to the Town using either of the following methods:

1. A performance bond, an irrevocable letter of credit, assurance of construction of subdivision improvements, funds in a restricted escrow account, or other financial guarantee approved by the Town Attorney and accepted by the Town Council prior to the recordation of the final plat.
  - a. The financial guarantee shall be one hundred percent (100%) of the cost of the labor and materials necessary to complete the subdivision.
  - b. The period within which required improvements must be completed shall be specified and shall not exceed two (2) years from the date of final approval.
2. As an alternative procedure, the Town Council may approve a final plat and instruct the Community Development Director to withhold the recording of the plat for a period of time to allow the subdivider to complete the required improvements. When the subdivider has completed the required improvements and they have been inspected and



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approved by the Town Engineer, the plat shall be recorded and the sale of lots may then proceed according to the approved and recorded plat.

## B. INSPECTION OF IMPROVEMENTS

Prior to the approval of the required improvements by the Town Engineer, an engineer retained by the subdivider shall certify to the Town that all facilities and improvements to be dedicated to the Town have been constructed in accordance with the requirements of this Code. The Town Engineer shall also inspect all improvements to the site and certify that they comply with all specifications as set forth in the approved improvement plans. Any inspection expenses incurred by the Town shall be reimbursed by the subdivider.

## C. WARRANTY OF IMPROVEMENTS

The subdivider shall post a performance bond or other sufficient surety to guarantee that all defects in any public facilities or improvements that occur within one (1) year after acceptance of the improvements by the Town shall be corrected by the subdivider.

## D. DEVELOPMENT AGREEMENT

The Town shall have the authority to enter into a development agreement with the subdivider to carry out the provisions contained in this Code. The Development Board shall make a recommendation concerning any such development agreements prior to action by the Town Council.

## SECTION 7-7-9

## ABANDONMENT'S

- A. Any plat or part of a plat may be vacated under the provisions of this Code, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat.
- B. The Town Council may abandon streets, easements, and other right-of-way under the appropriate provision(s) of applicable state law and this Code.



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## **ARTICLE EIGHT**

### **ADMINISTRATION**

#### **SECTION 7-8-1 ORGANIZATION**

##### **A. TOWN COUNCIL**

The Town Council is responsible for establishing public policy relating to the growth and development of the Town and implementing such with necessary codes, ordinances and resolutions.

##### **B. COMMUNITY PLANNING AND DEVELOPMENT BOARD**

The Town Council shall appoint a Community Planning and Development Board (the "Development Board") to carry out the duties as set forth by this Code. The Development Board shall serve as the Planning Commission and Board of Adjustment.

##### **1. Members of the Development Board shall be appointed and removed as follows:**

- a. The Development Board shall be composed of a total of seven (7) regular members and two (2) alternate members who shall be residents of the town. The members of the Development Board shall be appointed by the mayor subject to the approval of the Town Council of the Town. These appointments shall be for a period of three (3) years each, with the terms of members so staggered that the terms of no more than three (3) regular members shall expire in any one (1) year. The initial appointments shall be for two (2) regular members with terms of one (1) year; for two (2) regular members with terms of two (2) years; and for three (3) regular members and the two (2) alternate members with terms of three (3) years. Thereafter, all members shall be appointed for full three (3) year terms, except that in the event of a death or resignation of a member the vacancy may be filled for the un-expired term by the mayor appointing a new member subject to approval of the Town Council.
- b. Any regular member who is unable to attend fifty percent (50%) of the regular meetings of the Development Board during a calendar year for any reason other than health, or who has missed three (3) consecutive meetings without excuse or acceptable explanation, shall be considered as not fulfilling the obligation assumed by acceptance of appointment to the board. Such failure shall constitute sufficient grounds for termination of the regular member's appointment by the mayor. The mayor shall declare the member's seat vacant and shall appoint a new member to serve for the un-expired term subject to approval by the Town Council.
- c. Nothing in this Section shall prevent the Town Council after a due process hearing, from removing a member for cause.





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- d. All members shall serve without pay, however members of the Development Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Development Board and approval of such expenditures by the Town Council.
  - e. The Development Board shall elect a chair and vice-chair from among its regular members, who shall serve for one (1) year and until their successors are elected and qualified. The chair shall have the power to administer oaths and take evidence of the Buckeye Development Code, which sets out the Organization of the Community Planning and Development Board, is amended as set forth below: Regular Members shall not serve more than two consecutive years as either Chair or Vice-Chair.
  - f. Alternate members shall only take part in those hearings where a regular member is absent and when appointed to do so by the chair. There shall never be more than seven (7) members at any one time participating in a hearing of the Development Board.
2. Meetings and hearings of the Development Board shall be held as follows:
- a. All meetings and hearings of the Development Board shall be in accordance with Arizona's open meeting laws and shall be conducted pursuant to the procedures set forth in this Code and any bylaws adopted by the Development Board.
  - b. Any bylaws adopted by the Development Board shall be kept on file at the Town Hall and be made available to the public.
  - c. Regular meetings of the Development Board shall be held in accordance with an approved calendar.
  - d. Special meetings for good cause may be held by the Development Board on call of the chair or by a majority of its members, or as may be scheduled by a majority vote of its members at a previous meeting. The manner of the call shall be recorded in the minutes of the special meeting, and at least twenty-four (24) hours notice of the meeting shall be given each member.
  - e. No meeting, hearing or action shall be conducted by the Development Board without a quorum. A quorum necessary for the commencement of a meeting shall consist of four (4) members. The business of the Development Board shall be transacted by a majority vote of members present which may include the vote of the chair. In the event that less than a quorum is present at any meeting or hearing of the Development Board, the meeting or hearing shall be rescheduled by the chair to a date certain as soon as is practical and in accordance with the applicable rules of the Development Board.
  - f. Each member shall review the entire record of the proceedings prior to voting and shall fully be informed of the facts and issues of the matter under consideration.
  - g. If a member of the Development Board has a direct or indirect pecuniary or proprietary interest in the outcome of any matter brought before the Development Board or who feels that personal reasons may prejudice a decision, that member shall make that interest known in the official records of the Development Board and shall refrain from voting, discussing or otherwise participating as a board member



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in such matter. A vote taken by the Development Board shall not be affected by failure to comply with this Subsection.

- h. If any member of the Development Board receives a substantive communication from any person outside a hearing or meeting concerning a subject matter under consideration, that member shall make a statement at the meeting or hearing describing the circumstances and substance of such communication. A vote taken by the Development Board shall not be affected by failure to comply with this Subsection.
- i. The Development Board shall keep minutes of its proceedings, showing the vote of each member upon each question and indicating the fact that a member is absent or is excused from voting under the rules of the Development Board, and shall keep records of its proceedings and other official actions.

## C. COMMUNITY DEVELOPMENT DIRECTOR

Except as otherwise specifically provided, primary responsibility for administering and enforcing this chapter may be assigned by the Town manager to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this Code as the “Community Development Director”.

## SECTION 7-8-2

## POWERS AND DUTIES

### A. TOWN COUNCIL

The Town Council shall have the following powers and duties under the provisions of this Code:

- 1. Adopt, review and amend the General Plan for the Town, and such other plans as it may deem necessary and appropriate in accordance with the provisions of Article Three of this Code.
- 2. The Town Council may, by resolution, set fees for permits or applications required by this code.
- 3. Initiate other actions as the Council may deem necessary to implement the General Plan or carry out the provisions of this Code.

### B. DEVELOPMENT BOARD

The Development Board shall:

- 1. Hear and decide all development applications as established by this Code.
- 2. Review site plan designs and approve in accordance with Code provisions.
- 3. Hold hearings, develop recommendations and advise the Council on all applications which must receive Council approval.



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4. Hear and decide appeals from any order, decision, requirement, or interpretation made by the Community Development Director.
5. Act as the Planning Commission and Board of Adjustment and take all actions required thereof.
6. Adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Code.

## C. COMMUNITY DEVELOPMENT DIRECTOR

The Community Development Director shall have the following powers and duties under this Code:

1. Enforce the provisions of this Code and take action against those who are in violation thereof.
2. Carry out all administrative actions required by this Code, including processing applications, collecting fees, giving notice, record keeping, preparing reports, and making recommendations.
3. Approve minor uses in accordance with the provisions of this Code.
4. Issue building and occupancy permits which are in conformance with the provisions of this Code.
5. Perform property inspections to ensure compliance with approved plans.
6. Make changes to the Town Zoning District Map upon a Zoning District change approval by the Town Council.
7. Develop plans and programs as directed by the Town Council or Development Board,
8. Perform other duties as may be necessary in accordance with the provisions of this Code.

## SECTION

## 7-8-3

## PERMITS

### A. USE PERMIT

1. A conditional use requires approval of a Use Permit by the Development Board in accordance with Section 7-4-4. Procedures for application and approval are given in Section 7-8-4 (C).
2. Use Permits authorize the recipient to make use of the land and structures in a particular way. All successors or assigns of the Use Permit shall make use of the land or structures in accordance with all terms and conditions of that permit.
3. Use Permits may be amended by the Community Development Director for minor design modifications which do not constitute, in their totality, a change in use.

### B. SITE DESIGN APPROVAL



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1. A Major Use is required to obtain approval of site design by the Development Board in accordance with Section 7-4-4. Procedures for application and approval are the same as those required for a Use Permit as stated in 7-8-4 (C).
2. The Development Board has only discretion concerning site design in accordance with the provisions of this Code. The Development Board has no discretion in approval of the actual use.

## C. BUILDING PERMIT

Any development or construction, as defined by Section 7-2-1, requires approval of a Building Permit by the Community Development Director. Procedures for application are given in Section 7-8-4 (D).

## D. CERTIFICATE OF OCCUPANCY PERMIT

1. Buildings or structures shall not be occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Community Development Director has issued a Certificate of Occupancy as specified in Section 307 of the Uniform Building Code.
2. The Development Board may allow the applicant of a Use Permit to occupy the site or structures prior to compliance of all required conditions, when factors beyond the control of the applicant would make full compliance unreasonable. The Board may require a performance bond to ensure eventual completion of all conditions.

## E. ADEQUATE SCHOOL FACILITIES REQUIREMENTS

1. The provisions of this section shall apply only to applications for the Area Plan, community Master Plan, Zoning District Change, Site Plan or Subdivision approval request which will increase the projected number of students for any school district's school attendance area as a result of the proposed request. The applicability of Zoning District Change and Site Plan requests include applications that request residential approval or change Zoning District classifications from non-residential to residential classification and Zoning District change requests that change residential Zoning District classifications to a higher density residential classification. A school district's school attendance area shall be the attendance boundaries adopted for each public school by the applicable school district.
2. No Area Plan, Community Master Plan applicable Zoning District Change, Site Plan or Subdivision application shall be considered complete until the applicant provides a letter from the appropriate school district which certifies any of the following or the time period for the school district's response to a request for certification has expired under subsection 4:
  - a. That the school district has adequate school facilities to accommodate the projected number of new students within the school district's attendance area; or
  - b. That the school district will have adequate school facilities by a planned capital improvement to be constructed within a time frame jointly established by the School Facilities Board and the affected local school district(s).
  - c. That the applicant and the school district have entered into an agreement to provide, or help to provide, adequate school facilities within the school district's attendance area in a timely manner, or



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- d. That the school district does not have adequate school facilities to accommodate projected growth attributable to the requested application.
3. The projected number of new students resulting from the application for Area Plan, Community Master Plan, Zoning District Change, Site Plan or Subdivision shall be based upon a student per-household ratio methodology adopted by the appropriate school district. If a school district fails to adopt a student per-household ratio methodology for projecting the number of new students resulting from an applicant's application, then the school district shall base its certification upon an authoritative source accepted within the education community.
4. For purposes of this section, adequate school facilities shall be determined by the appropriate school district in accordance with the minimum school facility adequacy guidelines adopted by the School facilities Board pursuant to A.R.S. Sec. 15-2011, and any subsequent amendments made thereto, as applied to each individual school site's attendance for each individual school serving the property being considered for Area Plan, Community Master plan, Zoning District Change, Site Plan or Subdivision approval.
5. Applications for Area Plan, Community Master Plan, Zoning District Change, Site Plan or Subdivision approval subject to this Section shall follow the following procedures:
  - a. As for time of filing an application for Area Plan, Community Master Plan, Zoning District Change, Site Plan or Subdivision subject to this Section, all applicants shall provide a copy of a letter delivered to the superintendent(s) of all applicable school districts which contains an offer to meet with school district representatives to discuss the school district's certification required by subsection 2 above
  - b. After the filing of the Area Plan, Community Master Plan, Zoning District Change, Site Plan or Subdivision application, the Town shall deliver by certified or registered mail a copy of the application and a site location map to each affected school district located within the subject area. In addition, the Town shall request the school district to provide the required certification provided for in subsection 2 of Buckeye care of the Planning Department Director. For good cause, the thirty (30) day time period may be extended at the request of the applicant or the school district. IN the event the Town does not receive certification from the school district, within thirty (30) days or any extension thereof, it shall be deemed that there are adequate school facilities for the proposed application. The school district's response time to a request for certification shall be determined by the date of the mailing request for certification from the Town. For purposes of computing the thirty (30) day certification time period, the date of mailing form which the designated period of time begins to run shall not be included in the event the last day of receipt of the certification occurs on a Saturday, Sunday or legal holiday, the applicable certification time period runs until the end of the next work day.
  - c. After providing the certification required by subsection 2, or the school district's failure to respond to the request for certification within thirty (30) days, or any extension thereof, the application shall proceed to be processed in accordance with Section 7-8-4 of the Development Code and all other applicable ordinances.
  - d. In the event that the appropriate school district certifies that there are not adequate school facilities for the proposed Area Plan, Community Master Plan, Zoning



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District Change, Site Plan or Subdivision, the Planning and Development Director shall notify the applicant in writing that the school district has determined that it does not have adequate school facilities for the proposed request

## **SECTION 7-8-4 DEVELOPMENT REVIEW PROCEDURES**

### **A. GENERAL PLAN AND AREA PLAN AMENDMENTS**

#### **1. PREPARATION AND REVIEW**

An amendment to the General Plan can be prepared by a landowner, group of landowners or by the Town. An area plan or an amendment thereto can be prepared by a landowner, group of landowners or by the Town. A Community Master Plan may be submitted by the landowner or developer upon approval of the landowners. Upon submittal, the proposed plan or plan amendment shall be evaluated by the Community Development Director, who shall submit such plan to the Development Board accompanied by a recommendation regarding whether the plan or plan amendment should be adopted with or without revisions.

#### **2. REVIEW BY DEVELOPMENT BOARD**

Upon receipt of the proposed amendment or plan and recommendation from the Community Development Director, the Development Board shall conduct at least one (1) public hearing. Notice of the time and place of the hearing shall be given at least fifteen (15) and not more than thirty (30) calendar days before the hearing by:

- a. Publication at least once in a newspaper of general circulation published or circulated in the Town; and
- b. Posting on the subject property in a manner legible from the public right-of-way. Mailed notices to adjoining landowners is required if the amendment involves a change in land use.

The Development Board shall review the plan, the testimony presented at the public hearing, and the recommendation of the Community Development Director and shall submit a report to the Town Council recommending adoption, denial, or revision of the proposed plan.

#### **3. DECISION BY TOWN COUNCIL**

Upon receipt of the recommendation of the Development Board, the Town Council shall hold at least one public hearing. Notice of the time and place of the hearing shall be given in the time and manner required below:

- a. Publication at least once in a newspaper of general circulation published or circulated in the Town; and
- b. Posting on the subject property in a manner legible from the public right-of-way. No mailed notice to adjoining landowners is required.



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The Town Council shall review the proposed plan, the testimony presented at the public hearings, and the recommendation of the Development Board and may adopt the plan by resolution.

## B. ZONING DISTRICT CHANGE

A Zoning District change may be initiated by the Town Council, Development Board or an owner of a property for which a Zoning District change is requested.

### 1. REVIEW

An application for a Zoning District change shall be submitted to the Community Development Director, who shall review the application and prepare a recommendation. The application shall be sent to adjoining municipalities and other affected agencies. Within thirty (30) days after receipt of a complete application, the Community Development Director shall submit the Zoning District change request along with a recommendation for approval or denial to the Development Board.

### 2. PUBLIC HEARING

Upon receipt of a proposed Zoning District change from the Community Development Director, the Development Board shall conduct at least one (1) public hearing. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and description of the area affected, shall be given at least fifteen (15) days before the hearing by:

- a. Publication at least once in a newspaper of general circulation published or circulated in the Town, and
- b. Posting on the subject property in a manner legible from the public right-of-way, and
- c. Notice by first class to each real property owner, as shown on the last assessment to all property owners within three hundred feet (300') of the proposed Zoning District change.

The Development Board shall review the proposed Zoning District change, the testimony presented at the public hearing, and the recommendation of the Community Development Director and shall submit a report to the Town Council recommending adoption, denial, or revision of the requested Zoning District change.

### 3. DECISION BY TOWN COUNCIL

Upon receipt of the recommendation of the Development Board, the Town Council shall review the proposed Zoning District change, the testimony presented at the public hearing, and the recommendation of the Development Board and shall adopt or deny the requested Zoning District change.

- a. If an aggrieved party, any member of the public or the member of the Town Council requests a public hearing, or if there is a protest properly filed under Subsection (b) below, the Town Council shall hold a public hearing in accordance with Subsection B.2 above prior to taking action on the proposed change.





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- b. If the owners of twenty per cent (20%) or more either of the area of the lots included in a proposed Zoning District change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a proposed Zoning District change, it shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the Town Council. If any members of the Town Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) of the remaining membership of the Town Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the Town Council.

The Zoning District change shall be effective thirty (30) days after final approval by the Town Council.

## C. USE PERMIT

A Use Permit is required for Conditional Uses as designated in Table 4-A. Approval is granted by the Development Board and authorizes the applicant to make application to the Community Development Director for a building permit.

1. An application for a Use Permit shall be submitted to the Development Board by filing a copy of the application with the Community Development Director. The Community Development Director shall submit the application to the Development Board within twenty-one (21) days of the filing of an application.
2. The Community Development Director may request an applicant to submit evidence of authority to make application for the Use Permit.
3. All applications for a Use Permit must be complete before the Development Board is required to consider the application. An application is complete when it contains all of the information that is necessary for the Development Board to decide whether or not the development will comply with the requirements of this Code.
4. When presented to the Development Board, the application for a Use Permit shall be accompanied by a report setting forth the Community Development Director's findings and recommendations concerning the application. The report shall identify any and all requirements of this Code that the application fails to comply with.
5. The Development Board, upon receipt of the recommendation of the Community Development Director, shall hold a public hearing to receive comments on the proposed Use Permit. Notice shall be given at least ten (10) days before the hearing in the following manner:
  - a. Publication at least once in a newspaper of general circulation published or circulated in the Town, and
  - b. Posting on the subject property in a manner legible from the public right-of-way, and





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- c. Notice by first class mail to each real property owner, as shown on the last assessment, of all property owners within three hundred feet (300') of the proposed application.
6. The Development Board shall hear testimony from the applicant, the Community Development Director, and members of the public wishing to comment on the proposed application. The burden of presenting evidence to the Development Board that the application should be denied shall rest with parties urging denial, unless the information presented by the applicant is sufficient to justify a reasonable conclusion that the application should be denied.
7. The Development Board shall approve or deny the application in accordance with the following:
  - a. The Board shall approve the application if the applicant has provided evidence that the application will meet all development standards and has otherwise complied with all provisions of this Code.
  - b. The Board shall deny the application if the Board finds approval would endanger the public health and safety or substantially injure the value of adjoining or abutting property.
  - c. The Board may deny the application if there is evidence that development standards contained within this Code have not been met.
  - d. The Board may approve the application even if all development standards are not met if reasonable justification is found for allowing deviation from said standards in accordance with Section 7-4-7.
8. All modified or additional development standards imposed by the Development Board shall be stated as conditions to the granting of a Use Permit.
9. The Development Board may attach a condition limiting the Use Permit to a specified duration

## D. BUILDING PERMITS

Issuance of a building permit authorizes the recipient to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish buildings or structures. However, no building or structure may be occupied or used until the requirements of this Code or all requirements imposed pursuant to the issuance of the building permit have been complied with.

1. To obtain a building permit, the owner or designated representative shall first file an application in writing on a form furnished by the Community Development Director. Every application shall provide information in accordance with Section 302 of the Uniform Building Code adopted as part of this Code.
2. The Community Development Director shall review the application and approve the same if it fulfills the requirement of this Code.
3. Upon payment of the appropriate fees, the building permit is to be issued. Said issuance and fees are to be in accordance with Section 303 and 304, respectively, of the Uniform Building Code.
4. Inspections of the construction activity shall be made in accordance with Section 305 of the Uniform Building Code. If any inspection is not approved, the applicant shall immediately



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make the necessary corrections prior to the commencement of any additional construction activity.

5. Prior to the building or structure being used or occupied, the applicant must obtain Certificate of Occupancy in accordance with Section 307 of the Uniform Building Code.

## E. SUBDIVISIONS

There shall be no subdivision of land within the jurisdiction of the Town except in accordance with these provisions. The preparation, submittal, review and approval of all subdivision plats located inside the corporate limits of the Town shall proceed through the following progressive stages:

Stage I: Pre-application conference

Stage II: Preliminary plat

Stage III: Final plat

### 1. STAGE I: PRE-APPLICATION CONFERENCE

The pre-application conference stage of subdivision planning comprises an investigatory period which precedes actual preparation of preliminary plans by the subdivider. During this stage the subdivider makes known his intentions to the Community Development Director and is advised of specified public objectives related to the subject tract and other details regarding platting procedures and requirements.

### 2. STAGE II: PRELIMINARY PLAT

The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review, and approval by the Development Board. The application procedure for a preliminary plat shall be as set forth for the application of a Use Permit pursuant to Subsection 7-8-4(C).

### 3. STAGE III: FINAL PLAT

The final plat includes the final design of the subdivision, engineering of public improvements and submittal of the plat and plans by the subdivider, for review and action by the Town Council.

- a. The subdivider shall submit the final plat to the Town Engineer, who shall review it for completeness and conformity to the approved preliminary plat. If the plat is not complete or does not conform to the preliminary plat, the Town Engineer shall reject the plat.
- b. If the plat is found complete and in conformance with the approved preliminary plat, the Community Development Director shall request that the Town Clerk place the plat on the agenda of the next regular Town Council meeting, whereupon the Town Council shall approve or deny the plat.
- c. If the Town Council rejects the plat for any reason whatsoever, the reasons therefor shall be recorded in the minutes.



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- d. If the Town Council approves the final plat, the Clerk shall transcribe a certificate of approval upon the plat and have it recorded in the Office of the County Recorder of Maricopa County and distribute prints of the recorded plat to the County Recorder, County Assessor, Public Works Director, Town Engineer, and Community Development Director.

## F. LAND SPLITS

The following procedures shall be followed for application for land split approval by the Community Development Director:

1. The applicant shall submit a survey map completed by a Arizona Registered Surveyor and the Community Development Director shall review said map in accordance with requirements given in Section 7-7-3.
2. If the proposed land split meets the requirements, the Community Development Director shall approve said map.

## G. ANNEXATIONS

The following procedures shall be followed for the annexation of property into the Town:

1. The Community Development Director, upon receiving a request for annexation, may file with the County Recorder a blank (unsigned) petition containing the legal description and an accurate map of all the exterior boundaries of the area proposed to be annexed.
2. The Development Board shall make a recommendation on the annexation request prior to the annexation petition being circulated.
3. The Town Council shall hold a public hearing within the thirty (30) day waiting period following the filing of the blank petition. The following notices of the public hearing to discuss the annexation proposal shall be given at least six (6) days before the hearing:
  - a. Publication at least once in a newspaper of general circulation, within the territory proposed to be annexed, at least fifteen (15) days before the end of the thirty (30) day waiting period.
  - b. Posting in at least three (3) conspicuous public places within the territory proposed to be annexed.
  - c. Notice by first class mail sent to the Chairman of the Maricopa County Board of Supervisors and to each owner of real and personal property subject to taxation by the Town within the proposed annexation, with an accurate map and description of the area to be annexed.
4. Within one (1) year after the last day of the thirty (30) day waiting period a petition, in writing, signed by the owners of one-half (1/2) or more in value of the real and personal property and more than one-half (1/2) of the persons owning real and personal property may be circulated and filed in the office of the county recorder.
5. When all annexation requirements have been complied with, an ordinance for annexation may be presented to the Town Council for consideration. Both proponents and opponents of



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the measure are permitted to express their views at this time. Passage of the annexation ordinance is the decision of the Town Council. The annexation shall become final thirty (30) days from adoption of the ordinance.

6. The Town shall adopt the Zoning District classifications which permit densities and uses no greater than those permitted by Maricopa County immediately before annexation. Subsequent changes in the Zoning District classification shall be in accordance with Subsection 7-8-4 (B).

## H. APPEAL FOR VARIANCE/CODE INTERPRETATION

### 1. REVIEW

An application for an appeal for a variance or code interpretation shall be submitted to the Community Development Director, who shall review the application and prepare a recommendation to the Development Board. Within thirty (30) days after receipt of a complete application, the Community Development Director shall submit the appeal request along with a recommendation for approval or denial to the Development Board.

### 2. PUBLIC HEARING

Upon receipt of the appeal for a variance or code interpretation and recommendation of the Community Development Director, the Development Board shall conduct a public hearing. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and description of the area affected, shall be given at least fifteen (15) days before the hearing by:

- a. Publication at least once in a newspaper of general circulation published or circulated in the Town, and
- b. Posting on the subject property in a manner legible from the public right-of-way.

The Development Board shall review the requested appeal, the testimony presented at the public hearing, and the recommendation of the Community Development Director and shall approve or deny the appeal for variance/interpretation.

### 3. CONDITIONS OF APPROVAL

Approval of an appeal for variance or code interpretation may be made subject to such conditions as are necessary to carry out the purposes of this Code and assure that the variance authorized shall not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and Zoning District in which such property is located.

## I. ABANDONMENT'S

### 1. INITIAL REVIEW

Abandonment's may be initiated by the Town Council or property owner(s). The request shall be reviewed by the Community Development Director, who shall notify adjoining property owners and any utility company having improvements within the area. The request shall be submitted to the Town Council, accompanied by a recommendation regarding the proposed vacation or alteration.



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## 2. DECISION BY TOWN COUNCIL

Upon receipt of the recommendation of the Community Development Director, the Town Council shall review the proposed abandonment and shall adopt or deny the request in accordance with state statutes.

## J. DEVELOPMENT CODE AMENDMENT

### 1. PROCEDURE FOR AMENDMENT

Amendment to this Code may be initiated by the Town Council, the Development Board, or by Town Staff.

### 2. PREPARATION AND REVIEW

An amendment to this Code may be prepared either by the Community Development Director, Development Board or consultant as may be decided by the Town Council. Upon completion, the amendment shall be reviewed by the Community Development Director, who shall prepare a recommendation and submit it to the Development Board for review.

### 3. REVIEW BY DEVELOPMENT BOARD

Upon receipt of a proposed amendment from the Community Development Director, the Development Board shall conduct at least one (1) public hearing on the proposed amendment. Notice of the time and place of the hearing shall be given at least fifteen (15) days before the hearing by:

- a. Publication of the notice at least once in a newspaper of general circulation published or circulated in the Town. The notice shall include a summary of the proposed development code amendment(s).
- b. If the amendment involves a change in Zoning District designation standards governing land uses, notice by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the change(s), and owners of the property within three hundred (300) feet of the property directly governed by the changes.

The Development Board shall review the code amendment, the testimony presented at the public hearing, and the recommendation of the Community Development Director and shall, upon the conclusion of the public hearing or within ten (10) days thereafter, submit a report to the Town Council recommending adoption, denial, or revision of the proposed amendment.

### 4. DECISION BY TOWN COUNCIL

Upon receipt of the recommendation of the Development Board, the Town Council shall review the proposed code amendment, the testimony presented at the public hearing, and the recommendation of the Development Board and shall adopt or deny the proposed amendment.

## K. CITIZEN PARTICIPATION PLAN



# Town of Buckeye Development Code

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1. Every application for the rezoning of land or for an amendment to the General development Board Plan which requires a public hearing shall include a citizen participation plan which must be implemented prior to the first public hearing. The purpose of the citizen participation plan is to:
  - a. Ensure that applicants pursue early and effective citizen participation in conjunction with either application, giving them the opportunity to understand and try to mitigate any real or perceived impacts their applications may have on the community;
  - b. Ensure that the citizens and property owners of the Town of Buckeye have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early state of the process, and
  - c. Facilitate ongoing communication between the applicant and interested citizens and property owners, town staff, and elected officials throughout the application review process.
2. The citizen participation plan is not intended to produce complete consensus of all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.
3. At a minimum the citizen participation plan shall include the following information:
  - a. Which residents of the Town, adjacent property owners, interested parties who have submitted a request to the Town to be notified of any rezoning pursuant to ARS §9-462-04, adjacent political jurisdictions and public agencies with jurisdiction over the subject property may be affected by the application;
  - b. How those interested in and potentially affected by an applicant will be notified that an application has been made;
  - c. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;
  - d. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;
  - e. The applicant's schedule for the completion of the citizen participation plan, and
  - f. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.
4. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined for the applicant after consultation with the Planning Department. At a minimum, the target area shall include the following:



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- a. Property owners within the public notice area required but the other section of the Development Code;
  - b. The head of any homeowners association or registered neighborhood within the public notice area;
  - c. Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Planning Department.
5. These requirements apply in addition to any notice provision required elsewhere in the development code.
6. Failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of municipality for which the notice was given.
7. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. Submittal of a citizen participation plan shall not occur until after the required pre-application meeting and consultation with the Planning Department staff. The foregoing notwithstanding, applicants are encouraged to engage in early communication with the public.

## L. CITIZEN PARTICIPATION REPORT

This section applies only when a citizen participation plan is required by this ordinance.

1. The applicant shall provide a written report on the result of their citizen participation effort prior to the notice of public hearing. This report will be attached to the Planning Department's staff report.
2. At a minimum, the citizen participation report shall include the following information:
  - A. Details of techniques the applicant used to involve the public, including:
    - a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
    - b. Content, dated mailed, and numbers of mailings including letters, meeting notices, newsletters and other publications;
    - c. Where residents property owners, and interested parties receiving notices, newsletters or other written material are located; and
    - d. The number of people that participated in the process.
3. A summary of concerns, issues and problems expressed during the process, including:
  - a. The substance of the concerns, issues, and problems
  - b. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
  - c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

## SECTION

## 7-8-5

## ENFORCEMENT





# Town of Buckeye Development Code

Effective December 15, 2005

## A. COMPLAINTS

If a written complaint alleging a violation of this Code is received by the Community Development Director, the complaint shall be investigated. The Community Development Director may take whatever action is warranted and inform the complainant in writing what action(s) have been taken.

## B. PERSONS LIABLE

Any person who causes, permits, facilitates, aids or abets any violation of this chapter, or who fails to perform any act or duty required pursuant to this Code, is subject to the enforcement provisions of this Code. The owner and occupant of property in violation of this chapter are individually and jointly responsible for the violation, the prescribed civil or criminal sanctions, and for abating the violation.

## C. ENFORCEMENT PROCEDURE

1. The Community Development Director, upon finding that any provision of this Code is being violated, may send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Community Development Director's discretion.
2. The final written notice (and the initial written notice may be the final notice) shall state what action the Community Development Director intends to take if the violation is not corrected and shall advise that the Community Development Director's decision or order may be appealed to the Development Board in accordance with Section 7-8-6.
3. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Code or pose a danger to the public health, safety, or welfare, the Community Development Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this Section.
4. The Community Development Director shall not be precluded from seeking voluntary compliance with the provisions of this Code through notices of violation, warnings or other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

## D. PENALTIES AND REMEDIES FOR VIOLATION

1. Violations of the provisions of this Code or failure to comply with any of its requirements, including violations of any conditions or agreements established in connection with grants of variances or development or building permits, shall constitute a Class 1 misdemeanor, punishable by a fine of up to \$2,500, or a maximum six (6) months imprisonment, or both.
2. Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and agreements established in connection with the grant of variance or development or building permits, shall also subject the offender to a civil citation of Twenty-five dollars (\$25). If the offender fails to pay this penalty within fifteen (15) days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Development Board if the offender was sent a final notice of violation in accordance with this Section and did not take an appeal to the Development Board within the prescribed time.
3. Each day in which a violation of this Code continues shall constitute a separate offense.





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4. This Code may be enforced using one, all, or any combination of the foregoing penalties and remedies or other appropriate equitable action.

## E. PERMIT REVOCATION

1. A building or use permit may be revoked by the permit-issuing authority if the permit recipient fails to develop or maintain the property in accordance with the approved plans, permit, or requirements of this Code.
2. Before a use permit may be revoked, all of the notice and hearing requirements for the approval of a use permit must be complied with. The notice shall inform the permit recipient of the alleged grounds for revocation.
  - a. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked, shall be upon the party advocating that position.
  - b. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
3. If the permit is revoked, the Community Development Director shall provide to the permittee a written statement of the decision and the reasons thereof.
4. No persons may continue to make use of the land or buildings in the manner authorized by any permit after such permit has been revoked in accordance with this Section.



# Town of Buckeye Development Code

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## SECTION

## 7-8-6

## APPEALS

### A. APPEAL TO DEVELOPMENT BOARD

Any person aggrieved by a decision or action of the Community Development Director may appeal to the Development Board for relief of said decision or action. The Community Development Director shall present the request for appeal to the Development Board within twenty-one (21) days. The Development Board shall have the power to modify or reverse the decision or action taken by the Community Development Director but such a request for appeal shall not abate an enforcement action which affects the general health or safety of the public.

### B. APPEAL TO TOWN COUNCIL

Any person aggrieved by a decision or action of the Development Board, may at any time within thirty (30) days after the Development Board has rendered its decision or action, request a hearing before the Town Council to review the Development Board decision or action. The Council may affirm or reverse in whole or in part, or modify the decision or action reviewed.

### C. APPEAL TO SUPERIOR COURT

Any person aggrieved by a decision or action of the Development Board, which action concerns site design approval only, may at any time within thirty (30) days after the Development Board has rendered its decision or action, file a complaint of special action in Superior Court to review the Development Board decision or action. Filing the complaint does not stay proceedings on the decision or action sought to be reviewed, but the court may, on application, grant a stay, and on final hearing, may affirm or reverse in whole or in part, or modify the decision or action reviewed.

ORDINANCE NO. 48-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BUCKEYE, MARICOPA COUNTY, AMENDING THE TOWN OF BUCKEYE DEVELOPMENT CODE, ARTICLE FIVE, SECTION 7-5-11, SIGNS, TO ALLOW FOR THE USE AND PLACEMENT OF KIOSK SIGNS IN THE TOWN OF BUCKEYE.

BE IT ORDERED by the Town Council of the Town of Buckeye, Maricopa County, Arizona as follows:

SECTION 1. The 1996 Edition of the Town of Buckeye Development Code, as amended, is hereby amended by amending Section 7-5-11(C) as follows:

C. PROHIBITED SIGNS.

4. Signs placed within the public right-of-way, except for those off-premises kiosk signs set forth in Section 7-5-11 (E).

SECTION 2. The 1996 Edition of the Town of Buckeye Development Code, as amended, is hereby amended by adding the new Paragraph E to Section 7-5-11 as follows:

E. SPECIAL PURPOSE SIGNS.

1. Off-premises kiosk signs.

a. Community kiosk signs.

1. Sign panels on Town-approved community kiosk signs may be pennitted for the purpose of providing directional information to community facilities and attractions and residential developments, including mobile home parks and apartment developments, within the first two (2) years after approval of the first building permit for the site.
2. Community kiosk signs shall not exceed twelve (12) feet in height and five (5) feet six (6) inches in width.
- iii. Community kiosk signs shall be located within the public rightof-way of a minor arterial or higher street classification, the locations subject to the approval of the Community Development Department. Applicants must obtain a right-of-way permit from the Town.
- iv. A community kiosk sign plan shall be prepared showing the design and location of each kiosk sign and shall be submitted to and approved by the Community Development Department prior to issuance of a sign permit.
- v. A community kiosk sign permit shall be effective for 1 year from date of approval. Applicants must submit a community kiosk sign plan to the Community Development Depat1ment at least 30

days prior to expiration of the current permit for review and re-approval by the Community Development Department.

vi. A minimum of thirty (30) inches at the top of each community kiosk sign shall be reserved for the placement of an approved Town logo and a twenty-four (24) inch clearance shall be provided on the bottom of each community kiosk sign.

vii. Sign panels in community kiosk signs shall not exceed eighteen (18) inches in height.

b. Neighborhood kiosk signs.

i. Sign panels on Town-approved neighborhood kiosk sign may be permitted for the purpose of providing directional information to community facilities and attractions.

ii. Neighborhood kiosk signs shall not exceed six (6) feet in height and five (5) feet six (6) inches in width.

iii. Neighborhood kiosk signs shall be located within the public right-of-way of a collector or lower street classification, the locations subject to the approval of the Community Development Department. Applicants must obtain a right-of-way permit from the Town.

iv. A neighborhood kiosk sign plan shall be prepared showing the design and location of each kiosk sign and shall be submitted to and approved by the Community Development Department prior to issuance of a sign permit.

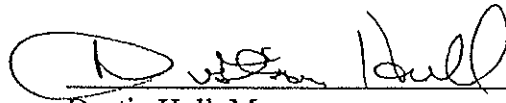
v. A neighborhood kiosk sign permit shall be effective for 1 year from date of approval. Applicants must submit a neighborhood kiosk sign plan to the Community Development Department at least 30 days prior to expiration of the current permit for review and re-approval by the Community Development Department.

vi. A minimum of twenty-four (24) inches at the top of each neighborhood kiosk sign shall be reserved for the placement of an approved Town logo and a twelve (12) inch clearance shall be provided on the bottom of each community kiosk.


vii. Sign panels in neighborhood kiosk signs shall not exceed twelve (12) inches in height.

c. No off-premises kiosk signs shall be placed within three hundred (300) feet of another, except when across the street from one another.

PASSED AND ADOPTED by the Town Council of the Town of Buckeye, this 6th  
day of June, 2006.

  
Dustin Hull, Mayor

ATTEST:

  
Linda Garrison, Town Clerk

APPROVED AS TO FORM:

  
Scott W. Ruby, Town Attorney

## **ORDINANCE No. 95-06**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BUCKEYE, MARICOPA COUNTY, ARIZONA AMENDING THE TOWN OF BUCKEYE DEVELOPMENT CODE BY AMENDING ARTICLE 7, SECTION 7-7-4 REGARDING THE PROCESS FOR APPROVAL OF PRELIMINARY PLATS AND AMENDING RELATED SECTIONS.**

**WHEREAS**, the Town of Buckeye, Arizona ("*Town*") has studied the necessity for the adoption of amendments to the Buckeye Development Code addressing the preliminary plat approval process; and

**WHEREAS**, the Town Council desires to make changes to the preliminary plat approval process;

**NOW, THEREFORE**, be it ordained by the Mayor and the Town Council of the Town of Buckeye, Maricopa County, Arizona, as follows:

Section 1. Article 7, Section 7-7-4 of the Town of Buckeye Development Code is hereby amended by the following, all other provisions to remain the same and in full force and effect:

#### **Section 7-7-4: PRELIMINARY PLAT**

PRELIMINARY PLAT APPROVAL CONSTITUTES AUTHORIZATION BY THE TOWN OF BUCKEYE FOR A SUBDIVIDER TO PROCEED WITH PREPARATION OF A FINAL PLAT, INCLUDING THE ENGINEERING PLAN AND SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, IN COMPLIANCE WITH THE TOWN OF BUCKEYE CODE, AND STATE LAW RELATED TO SUBDIVISIONS.

#### **A. PRELIMINARY PLAT APPROVAL PROCESS**

1. PROPOSED PRELIMINARY PLATS SHALL BE SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT FOR INITIAL REVIEW WITH THE INFORMATION AND DETAIL AS REQUIRED BY THE COMMUNITY DEVELOPMENT DEPARTMENT AND TOWN CODE.
2. THE COMMUNITY DEVELOPMENT DEPARTMENT SHALL CIRCULATE THE PROPOSED PRELIMINARY PLAT TO THE TOWN ENGINEER, PUBLIC WORKS DEPARTMENT, POLICE AND FIRE DEPARTMENTS, AND OTHER APPLICABLE AND APPROPRIATE TOWN DEPARTMENTS AND SCHOOL DISTRICTS FOR THEIR REVIEW AND COMMENT. WITHIN THIRTY DAYS OF THEIR RECEIPT OF THE PRELIMINARY PLAT, ALL REVIEWING DEPARTMENTS SHALL SUBMIT COMMENTS TO THE COMMUNITY DEVELOPMENT DEPARTMENT TO SUMMARIZE AND FORWARD TO THE APPLICANT.
3. AFTER THE FINAL REVISION AND SUBMITTAL OF THE PROPOSED PRELIMINARY PLAT IN COMPLIANCE WITH ALL

TOWN REQUIREMENTS, THE COMMUNITY DEVELOPMENT DIRECTOR SHALL PREPARE AND SUBMIT A RECOMMENDATION ON THE PROPOSED PRELIMINARY PLAT TO THE DEVELOPMENT BOARD.

4. AFTER A PUBLIC HEARING BEFORE THE DEVELOPMENT BOARD ON THE PROPOSED PRELIMINARY PLAT, THE DEVELOPMENT BOARD SHALL MAKE A RECOMMENDATION ON THE PROPOSED PRELIMINARY PLAT TO THE TOWN COUNCIL.
5. THE TOWN COUNCIL MAY HOLD A PUBLIC HEARING ON THE PROPOSED PRELIMINARY PLAT, AND AFTER TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE COMMUNITY DEVELOPMENT DIRECTOR AND THE DEVELOPMENT BOARD, SHALL APPROVE, APPROVE WITH CONDITIONS, OR DENY THE PROPOSED PRELIMINARY PLAT. IF THE TOWN COUNCIL DENIES THE PROPOSED PRELIMINARY PLAT, IT MUST MAKE FINDINGS ON THE RECORD OF THE REASONS FOR THE DENIAL.

#### B. SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL

2. Approval is valid for:
  - a. A period of twenty-four (24) months from the date of the TOWN COUNCIL approval.
  - b. [remains unchanged]
  - c. An approved preliminary plat may be extended any number of times of up to twenty four (24) months each by the TOWN COUNCIL after receiving a recommendation from the Community Development Director.
  - d. [remains unchanged]
  - e. [remains unchanged]
3. [remains unchanged]
4. [remains unchanged]

#### C. REQUIRED INFORMATION FOR PRELIMINARY PLAT [lettering changed to "C", all other provisions remain unchanged]

Section 2. Article 7, Section 7-7-6 of the Town of Buckeye Development Code is hereby amended by the following, all other provisions to remain the same and in full force and effect:

A. EXCEPTIONAL QUALITY CERTIFICATION

1. This certification allows the TOWN COUNCIL to grant increased density in accordance with Table 5-A.
2. [remains unchanged]

B. [remains unchanged]

C. [remains unchanged]

D. [remains unchanged]

E. COMMON AREA DESIGN

1. [remains unchanged]
2. Location of the common areas shall be approved by the TOWN COUNCIL.
3. [remains unchanged]
4. [remains unchanged]
5. A minimum of one tot-lot play area is required for every project. The home builder shall provide more extensive playground equipment/active adult recreational amenities with larger scale projects with more than 100 homes. Said playground equipment/active adult recreational amenities shall be subject to Community Planning and TOWN COUNCIL approval.
6. [remains unchanged]
7. [remains unchanged]

F. SINGLE-FAMILY ARCHITECTURE

1. – 8. [remains unchanged]
9. All air conditioning units/mechanical equipment shall be ground mounted and shall not be nearer than five(5) feet to the property line within a required side yard. Roof mounted air conditioning units may be permitted provided they are architecturally screened with a parapet and are perceived as an integral part of the building. Roof mounted mechanical equipment shall require approval from the TOWN COUNCIL.

Section 3. The provisions of this Ordinance shall apply to all preliminary plats submitted after the effective date of this Ordinance. The requirements of this Ordinance shall not apply to all fully complete applications for a preliminary plat approval submitted to the Town of Buckeye prior to the effective date of this Ordinance.




Section 4. This Ordinance shall be in full force and effect thirty (30) days after its passage by the Mayor and Town Council.

**PASSED AND ADOPTED** by the affirmative vote of the members of the Town Council of the Town of Buckeye, Arizona, this 2nd day of January, 2007.

  
\_\_\_\_\_  
Bobby Bryant, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Linda Garrison, Town Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Scott Ruby, Town Attorney

## **ORDINANCE 92-06**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BUCKEYE, MARICOPA COUNTY, ARIZONA AMENDING THE TOWN OF BUCKEYE DEVELOPMENT CODE ARTICLE 7, SECTION 7-3-3 RELATED TO COMMUNITY MASTER PLAN AMENDMENTS.**

**WHEREAS**, the Town of Buckeye, Arizona ("*Town*") has studied the necessity for the adoption of amendments to the Buckeye Development Code addressing Community Master Plans and how they are amended; and

**WHEREAS**, the Town Council desires to amend the Development Code to set specific evaluation criteria to define major and minor amendments to Community Master Plans;

**NOW, THEREFORE**, be it ordained by the Mayor and the Town Council of the Town of Buckeye, Maricopa County, Arizona, as follows:

Section 1. Article 7, Section 7-3-3 of the Town of Buckeye Development Code is hereby amended by adding the following Subsection F to Section 7-3-3, all other Section provisions to remain the same and in full force and effect:

#### **Section 7-3-3: COMMUNITY MASTER PLAN**

##### **F. AMENDMENTS TO COMMUNITY MASTER PLANS**

Applications to amend a Community Master Plan that has received final approval and been adopted by the Town Council shall be filed with the Community Development Department. All Community Master Plan Amendment applications must be signed by all owners of property, or their designees, within the area that is directly subject to the proposed amendment to the Community Master Plan.

##### **1. Application Completeness**

After receipt of the application for amendment, the Community Development Director shall determine whether the application is complete and ready for review. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Section. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified by the Community Development Director, and is accompanied by the required fee.

If an application is determined to be incomplete, the Community Development Director shall provide notice to the applicant within thirty (30) days of the submittal of the application and fee, along with a written explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected by the applicant.

If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed incomplete.

## 2. Major Amendments

Major amendments to Community Master Plans shall be reviewed, processed, and approved in the same manner as required for the original Community Master Plan to which amendment is sought, including all notice and citizen participation requirements for the area that is directly subject to the proposed amendment. Any major amendment shall be approved via an amendment to the development agreement associated with the approved Community Master Plan. All CMP amendment applications not meeting the criteria set forth in this Section for major amendments shall be deemed applications for minor amendments. For any application for a CMP Amendment meeting any or all of the following criteria, the amendment shall be a major amendment:

- a. Amendments that change the permitted land uses for property in any location of a Community Master Plan, or that amend the allowable uses, or amend the development standards or regulations for permitted uses, under an approved CMP.
- b. Amendments that result in an increase by five percent or more in the number of total residential dwelling units in an approved Community Master Plan.
- c. Amendments that result in a decrease of planned or identified public parks and/or improved open space by five percent or more of the total amount of public parks and improved open space in the approved Community Master Plan; or amendments that result in a decrease of the total amount of natural areas or preserved or undisturbed open space by two percent in the approved Community Master Plan.
- d. Amendments that propose a shift from one phase, parcel, or development unit (however defined in the approved CMP) of the Community Master Plan to another phase, parcel, or development unit of twenty percent or more of the total number of residential dwelling units permitted under an approved CMP. Amendments that propose a shift from one phase, parcel, or development unit of the CMP to another phase, parcel or development unit of more than 10% to 19% of the total number of residential dwelling units permitted under an approved CMP, unless the Community Development Director finds, in writing, that the proposed transfer will have no material impact on the services and infrastructure proposed, provided for, and necessary to accommodate and serve the transferred units.
- e. Any amendment that results in a change to the housing floor plan mix provided within an approved Community Master Plan that, as determined in writing by the Community Development Director, the proposed change will substantially reduce the options available to future residents of the CMP.

- f. Any amendment that makes substantial changes to the streets and transportation circulation patterns and regional connectivity under the approved CMP.
- g. Any amendment that is deemed by the Community Development Director to make such a significant or fundamental change to the Community Master Plan that in the Director's judgment, it should be deemed to be a major amendment.

3. Minor Amendments

Minor amendments to an approved Community Master Plan are administrative and may be approved, approved with conditions, or denied by the Community Development Director without a public hearing. A minor amendment may be approved by the Community Development Director as long as the amendment does not constitute, as determined by the Community Development Director, a substantial alteration of the fundamental nature and character of the Community Master Plan proposed to be amended.

4. Appeals

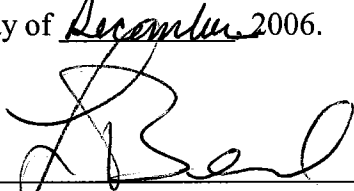
Appeal of any final decision related to a proposed Community Master Plan amendment by the Community Development Director, the Development Board, or the Town Council shall be conducted as provided for in Section 7-8-6 of this Code.

5. Applicability

All proposed amendments to any Community Master Plan shall be governed by the provisions of this Subsection F, notwithstanding any provisions in an approved Community Master Plan that define major and minor amendments to the Community Master Plan. All proposed Community Master Plans that have not received final approval shall be subject to this Subsection F. Community Master Plan amendments filed with the Town prior to the effective date of this ordinance shall not be subject to this ordinance.

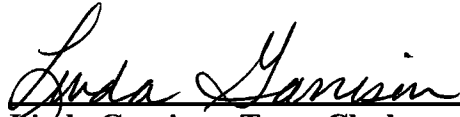
Section 2. This Ordinance shall be in full force and effect thirty (30) days after its passage by the Mayor and Town Council.

**PASSED AND ADOPTED** by the affirmative vote of the members of the Town Council of the Town of Buckeye, Arizona, this 5<sup>th</sup> day of December 2006.

  
\_\_\_\_\_  
**Bobby Bryant, Mayor**

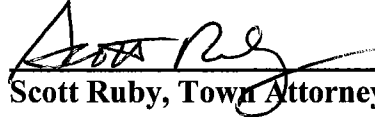
LEVI BEARD VICE MAYOR

**ATTEST:**

A handwritten signature in cursive script, appearing to read "Linda Garrison", written over a horizontal line.

**Linda Garrison, Town Clerk**

**APPROVED AS TO FORM:**

A handwritten signature in cursive script, appearing to read "Scott Ruby", written over a horizontal line.

**Scott Ruby, Town Attorney**

When recorded return to:

Town Clerk  
Town of Buckeye  
100 N. Apache, Suite A  
Buckeye, Arizona 85326

**ORDINANCE NO. 93-06**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA, CORRECTING AN ERROR IN THE ORIGINAL ORDINANCE AND AMENDING THE ZONING MAP OF THE TOWN OF BUCKEYE ON APPROXIMATELY 2111 ACRES GENERALLY LOCATED IN THE VICINITY OF BROADWAY ROAD AND JOHNSON ROAD FROM THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO THE PLANNED COMMUNITY (PC) ZONING DISTRICT.**

**WHEREAS**, Ordinance No. 02-05 was approved with an incorrect legal description attached thereto due to an error in finalizing the Ordinance; and

**WHEREAS**, Town staff has reviewed the original application and documents and determined that all the notices and materials related to the proposed rezoning reflect that the clear intent was to approve a land use district change for those properties described on Exhibit A attached hereto and not those properties described by the legal description attached as Exhibit A to Ordinance No. 02-05; and

**WHEREAS**, Council has determined to correct the error and approve the revised ordinance with the correct legal description attached hereto.

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Town Council of the Town of Buckeye, Arizona that:

**Section 1:** Ordinance No. 02-05 is hereby rescinded by this Ordinance. The property described by Exhibit A hereto is hereby rezoned from Rural Residential (RR) to Planned Community (PC) zoning.

## ORDINANCE 43-07

### AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA, AMENDING THE DEVELOPMENT CODE OF THE TOWN OF BUCKEYE, ARIZONA, BY ADOPTING THE TOWN OF BUCKEYE COMMERCIAL & INDUSTRIAL DESIGN STANDARDS AND GUIDELINES

**WHEREAS**, the Town of Buckeye, Arizona ("*Town*") has studied the necessity for the adoption of new regulations relating to commercial and industrial design standards and guidelines, to provide for the development of high quality commercial and industrial projects within the Town; and

**WHEREAS**, the Town Council deems it appropriate and necessary to adopt design standards and guidelines to govern and encourage the development of high quality commercial and industrial projects in the Town; and

**WHEREAS**, the proposed document known and designated as the "Town of Buckeye Commercial & Industrial Design Standards and Guidelines", June 19, 2007 Edition, was declared a public record by the Town Council via Resolution No.44-07, on June 19, 2007;

**NOW, THEREFORE**, be it ordained by the Mayor and Town Council of the Town of Buckeye, Arizona, as follows:

**Section 1.** The existing Town Development Code is hereby amended by adopting and adding new Section 7-5-16, as follows:

**SECTION 7-5-16 TOWN OF BUCKEYE COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS AND GUIDELINES.** That certain document on file with the Town Clerk, known and designated as the "Town of Buckeye Commercial & Industrial Design Standards and Guidelines," June 19, 2007 Edition, is hereby adopted by reference and made a part hereof as if fully set forth herein. In the event there is a conflict between or among any of the standards, specifications and regulations adopted herein by reference and any other provisions of the Town of Buckeye Development Code, the Town of Buckeye Commercial & Industrial Design Standards and Guidelines shall prevail.

**Section 2.** Violations of the provisions of this Code or failure to comply with any of its requirements, including violations of any conditions or agreements established in connection with grants of variances or development or building permits, shall constitute a Class 1 misdemeanor, punishable by a fine of up to \$2,500, or a maximum six (6) months imprisonment, or both.

Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and agreements established in connection with the grant of variance or development or building permits, shall also subject the offender to a civil citation of Twenty-five dollars (\$25). If the offender fails to pay this penalty within fifteen (15) days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Development Board if the offender was sent a final notice of violation in accordance with this Section and did not take an appeal to the Development Board within the prescribed time.

Each day in which a violation of this Code continues shall constitute a separate offense.

**Section 3.** This Ordinance shall become effective on July 16, 2007. The provisions of this Ordinance shall not apply to those development projects for which a completed site plan application, which includes all applicable fees, materials and information required by the Town of Buckeye for site plan approval applications, has been submitted or approved prior to the effective date of this ordinance. If an approved site plan expires after the effective date of this ordinance, the provisions of this ordinance and the Town of Buckeye Commercial and Industrial Design Standards and Guidelines shall apply to the new site plan to be submitted on the subject development project.

**Section 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

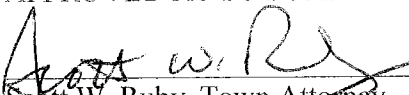
**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Buckeye, Arizona, this 17th day of June 2007.

  
Bobby Bryant, Mayor

ATTEST:

  
Linda Garrison, Town Clerk

APPROVED AS TO FORM:

  
Scott W. Ruby, Town Attorney



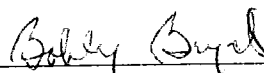
RESOLUTION 44-07

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ON FILE WITH THE TOWN CLERK ENTITLED "THE TOWN OF BUCKEYE COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS AND GUIDELINES," JUNE 19, 2007 EDITION

BE IT RESOLVED by the Mayor and Council of the Town of Buckeye, Arizona:

THAT certain document, the proposed "Town of Buckeye Commercial and Industrial Design Standards and Guidelines," June 19, 2007 Edition, of which three copies each are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

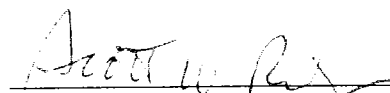
APPROVED AND ADOPTED by the Town Council of the Town of Buckeye, Arizona, this 14th day of June, 2007.

  
Bobby Bryant, Mayor

ATTEST:

  
Linda Garrison, Town Clerk

APPROVED AS TO FORM:

  
Scott Ruby, Town Attorney

# COMMERCIAL & INDUSTRIAL DESIGN STANDARDS AND GUIDELINES

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## Buckeye, Arizona



June 19, 2007

# COMMERCIAL & INDUSTRIAL DESIGN STANDARDS AND GUIDELINES

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# ARTICLE 1: GENERAL PROVISIONS

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## 1.1. GENERAL INTENT OF ORDINANCE

The intent of this ordinance is to establish design and development standards for commercial and industrial development that foster high-quality, attractive, and sustainable development that is compatible with the town's General Plan principles and policies. The standards are intended to:

- 1.1.1. Protect and enhance the character and quality of commercial and industrial areas in Buckeye;
- 1.1.2. Protect and enhance the long-term market value of commercial and industrial development sites within Buckeye;
- 1.1.3. Enhance the human and pedestrian scale of commercial and industrial developments and ensure compatibility between residential neighborhoods and adjacent commercial and industrial uses;
- 1.1.4. Mitigate negative visual impacts arising from the scale, bulk, and mass of large commercial and industrial buildings and centers;
- 1.1.5. Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;
- 1.1.6. Minimize negative impacts of on-site activities to adjacent uses; and
- 1.1.7. Balance the community's economic and aesthetic concerns.

## 1.2. APPLICABILITY

### 1.2.1. General Applicability

This ordinance applies to all commercial and industrial development unless exempted under Subsection 1.2.2 below. Articles 1 through 6 apply to commercial development, and Articles 1 and 7 apply to industrial development. For both commercial and industrial development, this ordinance applies to the following types of projects:

- A. Construction of a new building designed for primary occupancy by a commercial and/or industrial use;
- B. A redevelopment project that involves demolition of an existing primary building and the construction of a new primary building; or
- C. A redevelopment project that includes an addition of floor area equal to 50 percent or more of the existing floor area; or the addition of new floors.

### 1.2.2. Exemptions

The following are exempt from the requirements of this ordinance:

- A. Routine maintenance and repair;

- B. Interior remodeling of an existing building;
- C. Projects for which a complete site plan application has been submitted or approved prior to the effective date of this ordinance, provided that a building permit is obtained within one year from the approval date of the site plan and that construction occurs in accordance with the site plan and within one year of permit issuance; and
- D. Development within an approved Community Master Plan area that is regulated by commercial design standards or guidelines tailored to that CMP that meet or exceed the standards of this ordinance, as determined by the Director. Commercial or industrial development located within an area controlled by a CMP that does not include standards that meet or exceed the standards of this ordinance, as determined by the Director, must meet the standards of this ordinance to the extent such standards are not in conflict with any protected development right established under Arizona law. If a new CMP is established for a particular property following the effective date of this ordinance, this ordinance shall serve as the “baseline” for the development of any commercial or industrial standards or guidelines to be incorporated into the plan.

### 1.2.3. Conflicting Provisions

If the provisions of this ordinance are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the Town of Buckeye, this ordinance shall supersede unless otherwise expressly provided.

### 1.2.4. Standards and Guidelines

This ordinance contains both standards and guidelines.

- A. **Standards** are rules, principles, or measures with which compliance is mandatory unless expressly modified through the Administrative Modification process in Section 1.3 of this ordinance or varied according to the development code. A development application may be denied for failure to meet the standards established by this ordinance.
- B. **Guidelines** are policy preferences for which no specific measures exist. Guidelines further the town’s land-use goals and policies. A development may not be denied solely for failure to comply with a guideline if the underlying policy preferences are addressed.

## **1.3. ADMINISTRATIVE MODIFICATIONS**

### **1.3.1. Purpose and Scope**

“Administrative modifications” are small deviations from otherwise applicable standards of this ordinance that may be approved by the Director in order to address unusual site conditions. Administrative modifications are used when the limited nature of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, makes it unnecessary to complete a formal variance process. Examples of administrative modifications that may be approved pursuant to this section include, but are not limited to, a change in the size or location of a landscaped island in a parking lot, a decrease in the minimum number of parking spaces required, or a decrease in the total amount of glazing required on a building façade.

### **1.3.2. Applicability**

Unless stated otherwise in this ordinance, the Director may approve administrative modifications of up to a maximum of 10 percent from any numerical development standard in this ordinance as applied, provided that the applicable approval criteria below are met. The maximum allowable modification is calculated by applying the 10 percent modification to the resulting units derived from the application of a stated numerical development standard. In no circumstance shall the Director approve an administrative modification for any pending or approved application that results in:

- A. An increase in overall project nonresidential intensity (measured in allowed square footage) or residential density (measured in dwelling units/acre);
- B. A change in permitted uses or mix of uses; or
- C. A change in conditions attached to the approval of any subdivision or Community Master Plan.

### **1.3.3. Procedure**

The Director may approve an administrative modification at any time prior to submittal of the staff report on the application to another decision-making body or prior to final decision if the Director is the final decision-maker. The Director shall specify any administrative modifications on the development application.

### **1.3.4. Approval Criteria**

The Director may approve an administrative modification only upon a written finding that the modification meets all of the criteria below:

- A. The requested modification is in general conformity with the intent of this ordinance;



- B. The requested modification satisfies all applicable zoning, building, and other code requirements;
- C. The requested modification will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, or welfare;
- D. The requested modification is necessary to compensate for some special circumstances applicable to the property, including its size, shape, or topography, not shared by any other property of the same classification in the same zoning district; and
- E. The special circumstances applicable to the property are not self-imposed by the property owner.

## **1.4. ALTERNATIVE EQUIVALENT COMPLIANCE**

### **1.4.1. Purpose and Scope**

To encourage creative and unique design, “alternative equivalent compliance” allows development to occur in a manner that meets the intent of this ordinance, yet through an alternative design that does not strictly adhere to the ordinance’s standards. This is not a general waiver of regulations. Rather, this authorizes a site-specific plan that is equal to or better than the strict application of the standard.

### **1.4.2. Applicability**

The alternative equivalent compliance procedure is available only for the following sections of this ordinance:

- A. Section 2.3, *Building Orientation*;
- B. Section 2.4, *Connectivity*;
- C. Section 2.6, *Parking*;
- D. Section 2.9, *Fencing and Walls*;
- E. Article 3, *Landscape Design*; and
- F. Article 4, *Building Design*.

### **1.4.3. Pre-Application Conference Required**

An applicant proposing alternative equivalent compliance shall request and attend a pre-application conference prior to submitting application materials for the applicable permit(s), to determine the preliminary response from the Director. Based on the response,

the application should include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance.

#### **1.4.4. Decision-Making Responsibility**

Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.

#### **1.4.5. Criteria**

Alternative equivalent compliance may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:

- A.** Achieves the intent of the subject standard to the same or better degree than the subject standard;
- B.** Advances the goals and policies of the General Plan and this ordinance to the same or better degree than the subject standard;
- C.** Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and
- D.** Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

#### **1.4.6. Effect of Approval**

Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

## ARTICLE 2: SITE DESIGN

---

### 2.1. GENERAL INTENT

Site design standards and guidelines address a development's relationship to its surrounding natural features and development patterns. They also address the relationship between key elements within the site. Careful site design is critical to the success of commercial projects and the standards and guidelines of this article should be considered at the outset, and throughout, the design process. The standards and guidelines of this Article are intended to:

- 2.1.1. Ensure development relates to the physical characteristics of the site;
- 2.1.2. Ensure building scale, orientation, and design relates to the surrounding uses and streets, and creates a cohesive visual identity and an attractive street scene;
- 2.1.3. Ensure site design for efficient pedestrian, bicycle, transit, and vehicular circulation patterns, and create a high-quality pedestrian environment;
- 2.1.4. Promote design environments built to human scale;
- 2.1.5. Ensure delivery, trash, and loading facilities are located so as not to impede regular vehicular and pedestrian circulation and access routes; and
- 2.1.6. Ensure safe and efficient access between buildings and parking areas.

### 2.2. EXISTING TOPOGRAPHY AND NATURAL FEATURES

#### 2.2.1. Intent

To ensure that new development protects the natural setting, including significant features like washes, natural rock outcroppings, and the native desert landscape, because natural features can enhance the value of sites.

#### 2.2.2. Standards

Incorporate native trees and plants in the landscaping plan to meet landscaping requirements where practicable.

#### 2.2.3. Guidelines

- A. Retain and incorporate as site amenities those watercourses and washes that are subject to federal jurisdiction under Section 404 of the Clean Water Act, subject to the requirements of any federal permit issued in connection with the same.
- B. Minimize wash crossings. If necessary, locate them at the narrowest points along the wash.
- C. Minimize site grading by adapting development to the natural topography.

- D. Use site features, such as rock outcroppings, mature landscaping, and prominent views, to help define the location of buildings and open spaces.
- E. Retain, replant or relocate on site, and incorporate stands of mature trees and specimen trees into the site design.
- F. Locate buildings to take advantage of the natural topography, and use topography to screen the apparent mass and bulk of buildings where practical.

## **2.3. BUILDING ORIENTATION**

### **2.3.1. Intent**

To ensure that buildings are orientated to emphasize public spaces, with entryways clearly visible from key locations, because the location and orientation of individual buildings within the network of streets, pedestrian connections, and open spaces on a site largely establishes the character of a development.

### **2.3.2. Standards**

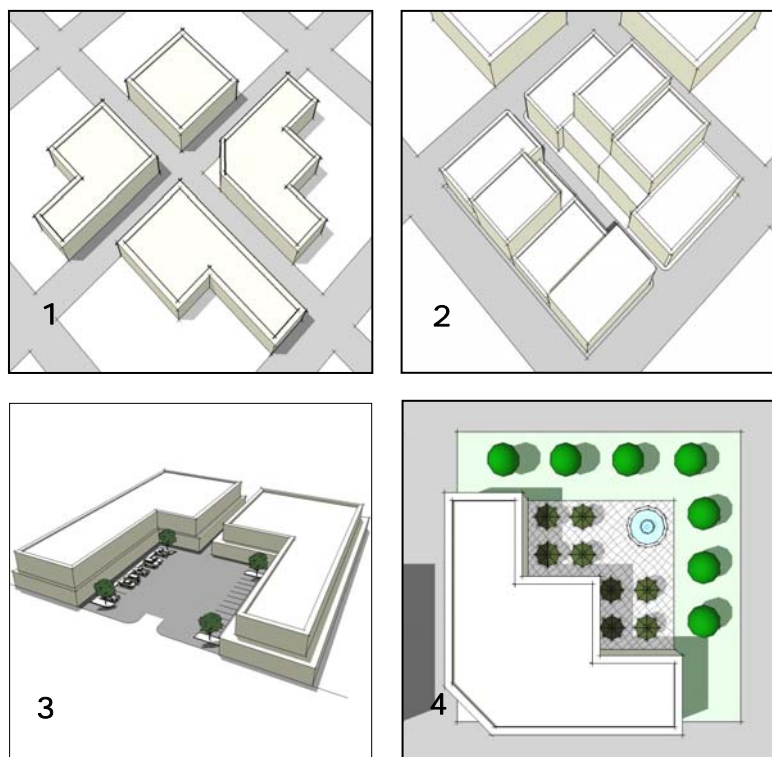
#### **A. Primary Entrance**

Orient buildings so that the principal building entrance faces the principal street or the street providing main access to the site as determined in the Director's sole discretion, unless topographical or other site features make such orientation infeasible. In cases where the principal entrance does not face the principal street, connect the entrance to the street and adjacent parking areas with sidewalks that meet the shading requirements of Section 4.3.2. below.

#### **B. Building Locations (Multi-Building Developments)**

Arrange and group buildings within developments that have three or more buildings using one or more of the following techniques:

1. **Frame the corner of an adjacent street intersection or entry point to the development; or**
2. **On sites of 15 acres or more, frame and enclose a "main street" pedestrian and/or vehicle access corridor within the development, the buildings adjacent to which shall comply with Subsection 4.5.2.B.1. of this ordinance; or**
3. **Frame and enclose parking areas on at least two sides; or**
4. **Frame and enclose outdoor dining and/or outdoor gathering spaces between buildings. (See Figure 1 for examples.)**



**Figure 1: Examples of Appropriate Building Locations for Multi-Building Centers**

(1) Framing street intersections or entryways; (2) Framing an interior “Main Street”; (3) Framing a parking area on at least two sides; and, (4) Framing an outdoor dining area or gathering space.

### 2.3.3. Guidelines

- A. Buckeye’s desert setting requires careful siting of buildings in order to mitigate the summer heat. Buildings should be oriented and grouped to provide shading for outdoor spaces – for example, by locating outdoor gathering spaces on the north and east sides of buildings under shade devices such as awnings.

## 2.4. CONNECTIVITY

### 2.4.1. Intent

To ensure that commercial development is designed to allow for the safe and convenient movement of pedestrians, bicycles, vehicles, and public transit within a site and between adjacent sites.

### 2.4.2. Standards

#### A. Vehicular Connections

1. Provide public street connections to all existing adjacent public streets.

2. If there are no adjacent public streets, provide for connections along each boundary abutting adjacent vacant land for future connections spaced at intervals not to exceed 1,000 feet for arterials, or 660 feet for other street types, or as otherwise approved by the Director.

#### B. Pedestrian Connections

1. Provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:
  - a. Entrances to each commercial building on the site, including pad site buildings;
  - b. Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and
  - c. Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.
2. Identify pedestrian walkways and crosswalks to motorists and pedestrians through the use of one or more of the following methods: (See Figure 2.)
  - a. Changing paving material, patterns, or paving color;
  - b. Changing paving height;
  - c. Decorative bollards;
  - d. Painted crosswalks;
  - e. Raised median walkways with landscaped buffers; or
  - f. Stamped asphalt.



**Figure 2: Examples of Pedestrian Connections**

- 3. Emphasize pedestrian circulation routes with special design features that establish them as areas where pedestrians are physically separated from the flow of vehicular traffic and/or are protected from the desert elements. Techniques shall include one or more of the following:**

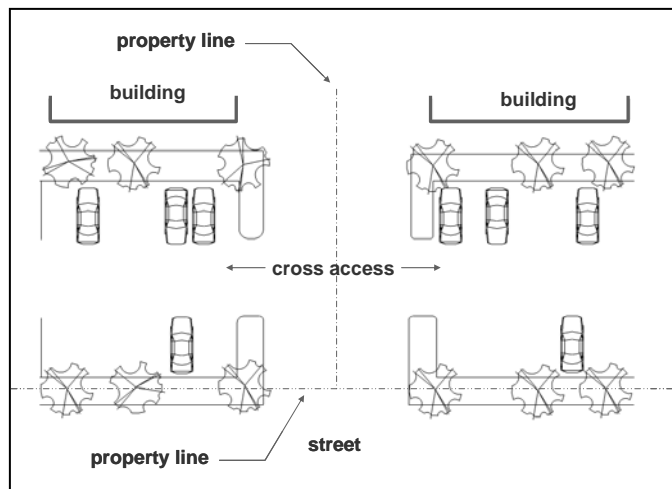
- a. Arcades, porticos, or other shade structures;
- b. Pedestrian light features,
- c. Bollards,
- d. Seat walls or benches;
- e. Drinking water fountains; and
- f. Landscape planters.

### 2.4.3. Guidelines

- A.** Break up sites larger than five acres into smaller units through the use of pedestrian walkways, private drives, and other vehicular circulation routes. Breaking up such sites need not require any subdivision, as defined in Section 7-2-1 of the Buckeye Development Code, of the site or creation of a separate legal description(s).

- B.** To the extent practicable, integrate drainage and stormwater retention facilities on adjacent sites.

- C.** Minimize access points to arterial roads through shared drives and internal connections. (See Figure 3.)



**Figure 3: Shared Drives and Internal Connections**

- D.** Provide sidewalks to:

- 1. Any preexisting adjacent public park, greenway, open space, trails, or other civic use such as schools, places of worship, public recreational facilities, or government offices.
- 2. Adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants.

## 2.5. OUTDOOR GATHERING SPACES

### 2.5.1. Intent

To ensure open air or semi-enclosed public gathering spaces connecting different land uses and providing focal points and anchors emphasizing pedestrian scale and focus. (See Figure 4.)

### 2.5.2. Definition

For purposes of this section, an outdoor gathering space is an open or partially open area intended for the benefit of residents, employees, or visitors to a site. An outdoor gathering space required by this section shall be credited toward any applicable open space requirements, provided such gathering space meets applicable open space standards. The following shall not be counted toward any requirement of this section:

- A. Private yards;
- B. Public or private streets or rights-of-way;
- C. Parking areas and driveways.

### 2.5.3. Standards

Developments on sites of 15 acres or larger shall devote a minimum of two percent of the net site area to an outdoor gathering place that:

- A. Is integrated as part of the overall design of the site and located in an area that provides benefit to a large number of users, and helps establish or improve functional relationships and linkages within a site or between adjacent sites. Potential locations include near anchor tenants, transit stops (if applicable), as a centralized site feature, or as a continuation of an adjacent natural area, trail, or riparian corridor;
- B. Is designed as a single, contiguous space, rather than multiple smaller spaces;



**Figure 4: Examples of Outdoor Gathering Spaces**



- C. Incorporates a minimum of five of the following pedestrian-scaled features:
  - 1. Lighted bollards;
  - 2. Movable tables and chairs;
  - 3. Benches;
  - 4. Seat walls and/or raised landscape planters;
  - 5. Shade trees;
  - 6. Pots or hanging baskets filled with seasonal plant material;
  - 7. Information kiosks;
  - 8. Stage, amphitheater, or other performance space; and
  - 9. Sculptures or other public art features;
- D. Integrates landscaping and/or structures to provide shading for outdoor gathering spaces, particularly those with a southern or western exposure. The shading may be freestanding or integrated with the adjacent building;
- E. Provides direct access to sidewalks and pedestrian walkways; and
- F. Is maintained by the owners of the development, unless otherwise agreed to as part of the development approval process.

#### **2.5.4. Guidelines**

- A. For sites smaller than 15 acres, provide outdoor gathering spaces by expanding pedestrian walkways along the front or side of the building with awnings, arcades, trees, or other types of shade structures.
- B. Provide outdoor dining areas within plazas and along the perimeter of open spaces, building frontages, and street frontages. Outdoor dining areas should be oriented away from off-site uses affected by noise.

## **2.6. PARKING**

### **2.6.1. Intent**

To ensure the design and location of parking areas enhances the character and functionality of commercial development; parking areas have direct and easy access to building entrances; and parking areas incorporate landscaping and pedestrian access.

### **2.6.2. Standards**

#### **A. Commercial Off-Street Parking Requirement**

- 1. A commercial use must provide no less than three spaces per 1000 square feet of gross floor area, notwithstanding Section 7-5-9 of the Development Code. Table 2.6-1 contains the Schedule of Parking Requirements for the uses identified.

**Table: 2.6-1: Schedule of Parking Requirements**

<b>Schedule of Parking Requirements</b>	
Office/Grocery	1 per 300 sf
Retail	1 per 300 sf
Personal Services	1 per 150 sf (Less than 10,000 sf) 1 per 200 sf (10,000 – 19,999 sf) 1 per 250 sf (20,000 – 29,999 sf) 1 per 300 sf (30,000 sf and over)
Restaurants	1 per 50 sf*
Movie Theaters	1 space per 3.5 seats
Industrial	1 space per 1000 sf

**Notes:**

1 per 50 sf = 20 per 1000 sf

1 per 100 sf = 10 per 1000 sf

1 per 150 sf = 6 2/3 per 1000 sf

1 per 200 sf = 5 per 1000 sf

1 per 250 sf = 4 per 1000 sf

1 per 300 sf = 3 1/3 per 1000 sf

\* Area devoted to kitchen and food preparation are excluded

2. An applicant may provide up to 125 percent of the applicable minimum off-street parking requirement as stated in paragraph 2.1.2.A.1. The following types of parking spaces provided shall be included to determine whether an applicant meets the minimum parking requirements but shall not count against the 125 percent limitation.
  - a. Accessible parking
  - b. Vanpool and carpool parking
  - c. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.



**Figure 5: Example of Parking Structure with Ground Floor Retail Uses**

3. An applicant may request and the Director may authorize an additional number of spaces up to 200 percent of the applicable minimum off-street parking requirement as stated in Section 2.6.2 A.1., if additional landscaping

is provided and distributed throughout the site as determined by the Director, and in accordance with Table 2.6-2. The additional landscaping shall be strategically placed and integrated with parking area design to meet the intent and standards set forth in Article 3: Landscape Design. Any site allowed more than 125 percent of the applicable minimum off-street parking requirement shall not be eligible for an administrative modification under Section 1.3 of this ordinance.

**Table: 2.6-2: Acres of landscaping requirement for Additional Parking**

125.01 – 150 percent of applicable minimum off-street parking required	0.5 acres
150.01 – 175 percent of applicable minimum off-street parking required	1.0 acres
175.01 – 200 percent of applicable minimum off-street parking required	1.5 acres

An applicant shall provide written justification demonstrating the need for parking greater than the standards set forth in Section 2.6.2.A.3. Requirements for such parking justification shall be determined by the Director.

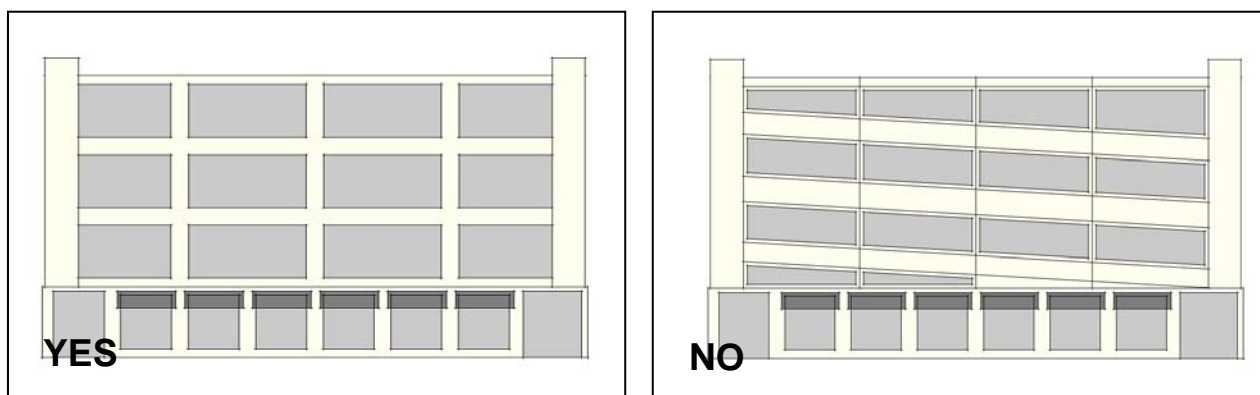
**B. Parking Area Design**

Divide large surface parking areas into sub-areas, each accommodating no more than 300 vehicles. Separate each parking sub-area by a minimum 15-foot wide landscaped feature, which shall include pedestrian walkways and shade features for pedestrians or vehicles.

On sites of 15 acres or more, off-street parking shall be arranged into parking sub-areas as described above. In addition, off-street parking shall be distributed so as to minimize the number of stalls located between building facade lines and the principal street. Site design techniques used to distribute parking may include, but are not limited to, building orientation, side and rear entrances, pad sites, parking lot landscaping, and pedestrian gathering areas. The intent of this paragraph is to minimize the “sea of parking” between the building’s off-street parking and the principal street and to require that the majority of off-street parking be located to the side or rear of the buildings served. If more than 50 percent of any building’s off-street parking area is situated between the building and the principal street, the Director may require additional landscaping, up to 10 percent of the perimeter parking lot landscaping requirements set forth in Section 7-5-6 of this ordinance.

### C. Parking Structures

1. Provide for active uses (other than parking) such as retail storefronts at the street level of parking structures located within 100 feet of a public street. (See Figure 5 above.)
2. Orient internal circulation and parking levels so that a horizontal, rather than sloped, plane faces public streets. (See Figure 6.)



**Figure 6: Parking Garage Design.** A sloping approach may be used, but a horizontal plane should face public streets.

### 2.6.3. Guidelines

- A. Design parking areas to avoid impacts on significant natural features, for example by staggering landscape islands.
- B. Design parking areas to avoid large, uninterrupted expanses of surface parking. Mitigation techniques should include landscaping, pedestrian-oriented hard-scaping with amenities such as benches or bicycle racks, and variations in paving materials such as asphalt, paving stones, or pervious pavement. Utilize traffic-calming measures such as paving variations in areas such as crosswalks where pedestrians and vehicles meet.
- C. In downtown Buckeye, locate parking areas to the interior or rear of a site, away from public streets, and not between the street-facing facade of a building and the adjacent street.
- D. Design parking structures to incorporate a comparable level of architectural detailing and quality materials as the primary building.

## 2.7. SERVICES, REFUSE COLLECTION, AND UTILITIES

### 2.7.1. Intent

To locate and screen service areas to minimize visual impacts.

### 2.7.2. Standards

#### A. Screening Required

1. Screen solid waste collection areas and mechanical equipment, including equipment located on a rooftop, from the view of a person standing on the property line on the far side of an adjacent public street. (See Figure 7.)
2. Locate storage, solid waste collection, and loading areas at least 20 feet from any public street, public sidewalk, or building with a residential use.
3. Incorporate loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions into the overall design of the building and landscaping so that the acoustic impacts of these functions are contained to the maximum extent feasible, and so that such features are fully screened and out of view from public streets. Use screening materials for solid waste collection and loading areas that are the same and of equal quality to the materials used for the primary building and landscaping.

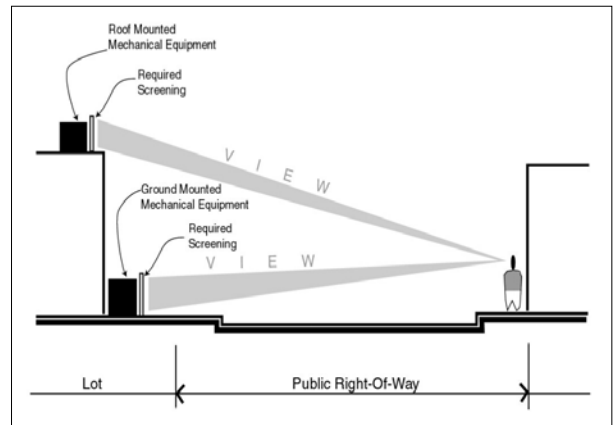


Figure 7: Screening of Equipment, Etc.

#### B. Shopping Cart Storage

The following standards apply to any commercial development that provides long-term and/or short-term shopping carts:

1. Provide long-term shopping cart storage areas inside of the primary building or adjacent to the building and behind a decorative screening wall constructed of masonry, metal, or finished wood that is consistent with the design of the adjacent building. The wall shall not exceed the height of the shopping carts.

2. **Design short-term shopping cart corrals with durable materials and design features that complement the architectural character of the development.**
3. **Locate short-term shopping cart corrals so as not to encroach vehicular or pedestrian circulation paths.**

#### C. Utilities

Locate all site utilities underground, including but not limited to electric lines less than 69kV, telephone, cable, water, and sewer systems, per applicable utility requirements and specifications.

#### 2.7.3. Guidelines

- A. Cluster service and refuse areas for nearby buildings and uses.
- B. Where feasible, locate above-ground utility facilities, such as utility cabinets and meters, in areas that do not conflict with featured views, outdoor dining areas, outdoor gathering areas, or site circulation. Screen these facilities with dense landscaping or decorative walls.

### 2.8. DRIVE-THROUGH FACILITIES

#### 2.8.1. Intent

To ensure drive-through facilities are located, designed, and screened to minimize visibility from public streets and impacts on the site and adjacent properties.

#### 2.8.2. Standards

- A. For restaurants with drive-through facilities, provide a minimum of eight stacking spaces (measuring a minimum of nine feet by 20 feet for each stacking space), with no less than four spaces located between the street and the order box and four spaces located between the order box and the pick-up window. (See Figure 8.)
- B. For other uses with drive-through facilities, provide a minimum of two stacking spaces (measuring a minimum of nine feet by 20 feet for each stacking space) located between the service window and the street.
- C. Locate stacking spaces for drive-through facilities so that waiting vehicles do not block parking stalls or interfere with the movement of traffic (on or off-site) or pedestrians.

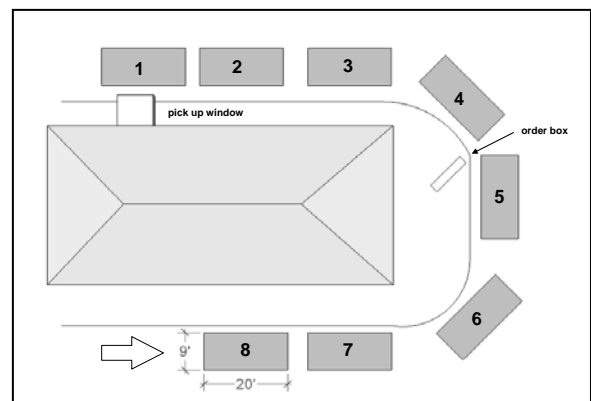


Figure 8: Stacking Spaces

- D. Use landscaping to screen drive-through windows and order boxes on building facades facing the principal street.

### **2.8.3. Guidelines**

- A. Design drive-through windows to incorporate architectural coverings consistent with the design of the buildings in order to break up the building mass.
- B. Design architectural coverings for drive-through windows to provide shade and shelter for drive-through customers.

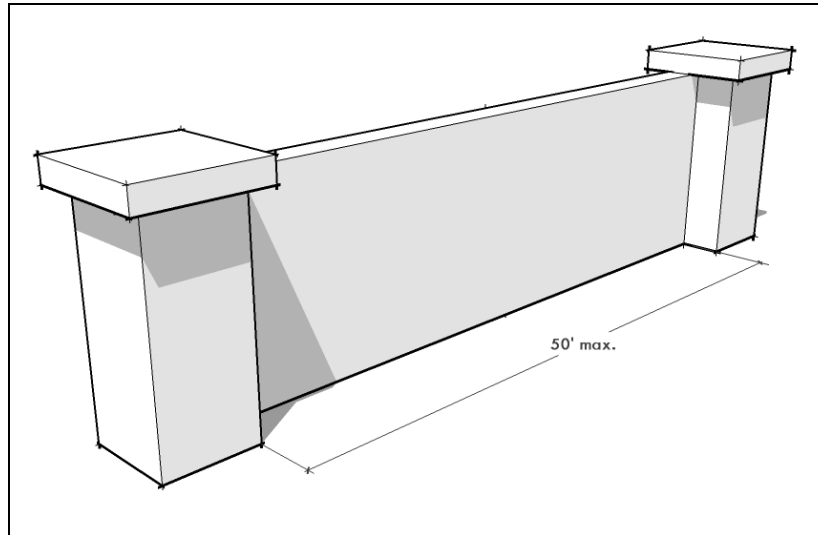
## **2.9. FENCES AND WALLS**

### **2.9.1. Intent**

To ensure the design of fences and walls contributes to the character of the commercial development, and to avoid long expanses of blank walls that can lead to a “canyon” effect on the streetscape. This section also ensures that fences and walls are constructed of high-quality and durable materials.

### **2.9.2. Standards**

- A. Articulate walls or fences to avoid continuous, unbroken expanses. No wall or fence facing an arterial or highway may extend continuously, without articulation, for more than 100 feet, or 50 feet for walls or fences facing any other type of Public Street. (See Figure 9.) Fences or walls may be articulated using any combination of the following:
  - 1. **Changes in material or texture, including the use of view walls that allow for views into the site;**
  - 2. **Offsets (projections or recessions);**
  - 3. **Landscape pockets; or**
  - 4. **Similar features approved by the Director.**



**Figure 9: Fence/Wall Articulation**

- B.** Construct walls and fences with any combination of the following materials:
- 1. Integrally-colored, split-face, or ground-face concrete masonry units (CMU);**
  - 2. Concrete masonry units that have been painted, stuccoed, or faced with another permitted material;**
  - 3. Stone (natural or simulated);**
  - 4. Brick;**
  - 5. Wrought-iron; or**
  - 6. Other materials approved by the Development Board.**
  - 7. Wood (painted or stained) may be used only if approved by the Development Board.**
- C.** Chain link fencing is prohibited on commercial development sites, except as necessary to ensure public safety during approved construction activities on the site.
- D.** Wood walls or fences are prohibited along a major arterial roadway or Interstate.

### **2.9.3. Guidelines**

- A.** Use colors, materials, and forms for walls and fences that complement the architectural character of the primary building or overall development.
- B.** A higher level of design detail is encouraged for highly visible walls and fences along major arterial roadways and Interstates, including but not limited to, the incorporation of mosaic designs, relief panels, or similar public art.



## ARTICLE 3: LANDSCAPE DESIGN

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### 3.1. GENERAL INTENT

Landscaping is essential to a successful commercial development. The standards and guidelines of this Article are intended to use landscape design to:

- 3.1.1. Visually unify the appearance of commercial developments;
- 3.1.2. Define major entryways, circulation (both vehicular and pedestrian), and parking patterns to help buffer less intensive adjacent uses;
- 3.1.3. Integrate the rugged and colorful landscape character of the Sonoran Desert into the town's commercial developments; and
- 3.1.4. Provide relief from the desert climate by providing shade and mitigating the heat island effect.

### 3.2. GENERAL PROVISIONS

#### 3.2.1. Intent

To ensure that minimum standards for the provision of landscaping are provided; that trees and plants meet minimum standards for quality, size, and species; that vegetation is appropriate for the desert climate; and that landscaping is located to avoid impacts on above- and below-ground utilities. (See Figure 10.)

#### 3.2.2. Standards

- A. Meet the landscape requirements as contained in Section 7-5-6, *Landscaping*, of the Development Code.
- B. Use trees and plants that meet Arizona Nursery Association minimum guidelines for caliper and height and the Arizona Department of Water Resources-approved plant list.
- C. Use low-water, drought-tolerant, plants for all new landscaping.
- D. To the maximum extent practicable, coordinate landscaping plans with placement of utilities to avoid conflicts with above- and below-ground utilities and overhead light fixtures.



**Figure 10: Landscaping should reflect the desert environment**

### 3.2.3. Guidelines

- A. Use an underground drip irrigation system for all landscaped areas. For turf, irrigate from a secondary, non-potable water source if available.
- B. Provide special landscape treatments at street intersections, site entryways, public gathering spaces, and building entryways.
- C. Plant trees to provide shade for parking areas, pedestrian walkways, and public gathering spaces.

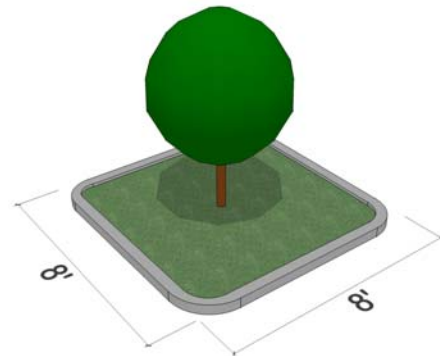


Figure 12: Minimum size of landscape island

## 3.3. LANDSCAPING INSIDE PARKING AREAS

### 3.3.1. Intent

To ensure that parking areas incorporate sufficient landscaping, provide shade for vehicles and pedestrian walkways, and mitigate heat island effects.

### 3.3.2. Standards

#### A. Landscaping Required

1. **Parking lots with more than 30 spaces shall landscape a minimum of 10 percent of the total area used for parking with landscape islands. (See Figure 11.)**
2. **Parking lots with 30 or fewer spaces shall landscape a minimum of five percent of the total area used for parking and access with landscape islands.**
3. **The standards in this Subsection 3.3.2.A. shall not apply to truck loading and service areas or truck-only parking areas located on industrial development sites.**



Figure 11: Landscaping inside parking lots

#### B. Landscape Islands

1. **Landscape islands shall be a minimum of eight feet by eight feet. (See Figure 12.)**

2. **Limit plant materials at the perimeter of landscape islands to ground covers or other low-growing species capable of withstanding occasional foot traffic.**
3. **Use a six-inch vertical curb to protect landscape islands. Wheel stops are not permitted as the only protective device.**

## **3.4. PERIMETER LANDSCAPING**

### **3.4.1. Intent**

To ensure parking and commercial development are buffered. Alternative standards apply for infill areas to accommodate smaller setbacks.

### **3.4.2. Standards**

- A. Provide a minimum landscape buffer of 20 feet along all arterial streets from the edge of the right-of-way (See Figure 13.). Provide a minimum landscape buffer of 10 feet along all other streets from the edge of the right-of-way.
  1. **This buffer does not count toward the interior parking lot landscaping requirement in Section 3.3.**
  2. **Trees are not permitted within public utility easement areas.**
  3. **In areas where an existing pattern of sidewalks, street trees, or other landscaping has been established that is inconsistent with this standard, the standard may be modified by the Director to allow for consistency with the established pattern.**
- B. Along all arterials, screen the perimeter of parking lots with a minimum landscape buffer as required in paragraph A. above, or one of the following if the landscape buffer is reduced:
  1. **A masonry wall no less than 3 ½ feet in height in combination with a 15-foot landscaped buffer (See Figure 14.); or**
  2. **A landscaped berm contained within a 17-foot landscape buffer; or**
  3. **A hedge a minimum of 3 ½ feet in height, consisting of a double row of shrubs planted 3 feet on center in a triangular pattern contained within a 17-foot landscape buffer; or**



Figure 13: Example of perimeter landscaping with walkway

4. A hedge a minimum of 3 ½ feet in height, consisting of a double row of shrubs planted 3 feet on center in a triangular pattern in combination with a 10-foot landscape buffer and masonry retaining wall where a significant variation in grade exists.

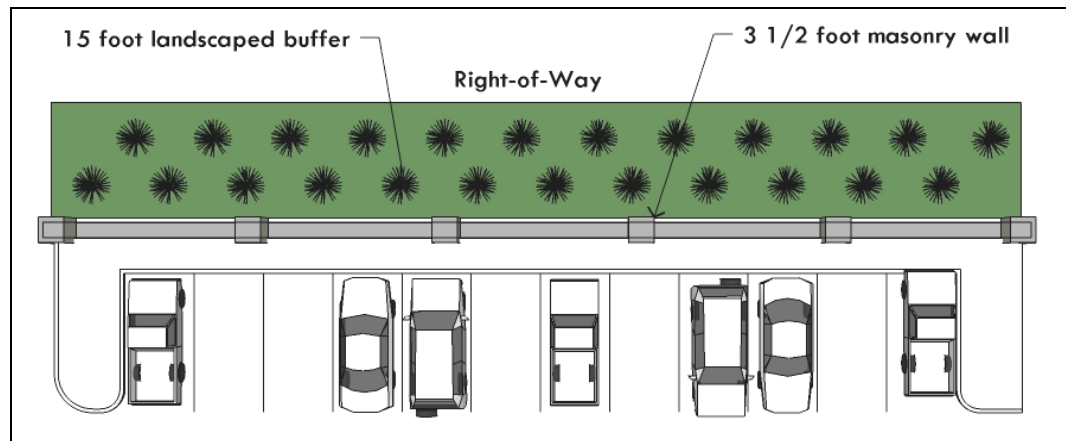


Figure 14: Parking Lot Perimeter Screening (Option 1)

- C. Screening walls and landscaping must not block sight lines for vehicular movement.
- D. Provide a landscape buffer of 20 feet minimum adjacent to major arterial rights-of-way and Interstate 10, regardless of any optional screening standards from paragraph B. above.

## 3.5. ENTRYWAYS

### 3.5.1. Intent

To ensure that large developments incorporate appropriate landscaping elements at entryways to emphasize key circulation routes and enhance community design.

### 3.5.2. Standard

Incorporate prominent focal points at major entrances to projects that are ten acres or more in size. Create focal points through a minimum of two of the following:

- A. Gateway monuments and signage,
- B. Sculpture or public art,
- C. Concentrations of vertical landscape forms,
- D. Distinctive natural landforms,

- E.** Landscaped medians to separate vehicular ingress and egress lanes; or
- F.** Other features as approved by the Director to define entrances as visual gateways to the development.

### **3.6. BUILDING FOUNDATION PLANTINGS**

#### **3.6.1. Intent**

To provide appropriate landscaping around buildings to soften building design and help visually anchor buildings to the surrounding environment.

#### **3.6.2. Standards**

- A.** Provide a minimum of one shrub for each eight lineal feet of building facade along all building facades that are adjacent to public streets or parking areas, unless the building has no setback from the property line. Shrubs shall be placed in-ground within 15 feet of the building façade. Where in-ground plants would be incompatible with existing soil conditions and/or the protection of a building foundation, use raised planters or pots located within five feet of the building façade.

## ARTICLE 4: BUILDING DESIGN

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### 4.1. GENERAL INTENT

Building design directly impacts the character and function of commercial development. The standards and guidelines of this Article are intended to:

- 4.1.1. Ensure that multi-building or phased commercial developments use compatible schemes of materials, colors, and architectural vocabulary to ensure consistency;
- 4.1.2. Ensure building materials are durable and have low maintenance requirements in the desert environment;
- 4.1.3. Ensure buildings are designed to a human scale;
- 4.1.4. Ensure design that is sensitive to the desert climate;
- 4.1.5. Encourage sustainable development by limiting the amount of resources necessary to construct and operate buildings and by designing buildings to be adaptable for multiple uses; and
- 4.1.6. Require buildings that incorporate standardized formulas or market prototypes to meet a higher level of building design.

### 4.2. ARCHITECTURAL CHARACTER

#### 4.2.1. Intent

To ensure architectural compatibility in keeping with Buckeye's heritage, the town's location in the desert, and discouraging standardized prototypes.

#### 4.2.2. Standards

##### A. Four-sided Design

Incorporate architectural detailing on all sides of a building that reflects the front facade. Blank walls void of architectural details or other variation are prohibited.

##### B. Exterior Trademarked Design Features

For each building with exterior trademarked architectural design features located 12 feet or more above finished grade, including trademarked roof and parapet design features but not including signs, provide a higher level of building design by meeting the following additional requirements:

- 1. **Section 4.4.2., Horizontal Articulation: Meet four or more of the listed standards; and**
- 2. **Section 4.5.2., Primary Building Entrance: Meet four or more of the listed standards.**

#### 4.2.3. Guideline

##### A. Unified Design

Organize the architectural design of buildings within a commercial center, including freestanding pad buildings, around a consistent architectural theme. Precise replication is not required or desirable. Instead, use similar materials, textures, and colors, along with repeating patterns and compatible proportions and scale, to reinforce the connections between the various buildings.

## 4.3. RESPONSE TO THE CLIMATE

### 4.3.1. Intent

To ensure that the building designs are compatible with the desert environment.

### 4.3.2. Standards

- A. Provide shaded sidewalks, as defined in this ordinance, along at least 50 percent of all building facades adjacent to or facing streets, outdoor gathering spaces, or parking areas. (See Figure 15.)
- B. On sites of 15 acres or more, shaded sidewalks shall constitute a minimum of 30 percent of the sidewalks within sites containing multiple buildings.
- C. Orient building to minimize direct solar exposure on primary building façade and areas of high pedestrian activity.

### 4.3.3. Guidelines

#### A. Contextual References

Include features typical of Buckeye's farming and ranching heritage and the desert environment in the building design, such as, but not limited to:

- 1. Architectural shade devices;
- 2. Low-slung buildings with a strong, horizontal orientation;
- 3. Deeply recessed windows;
- 4. Covered porches or arcades; and
- 5. Shed roof forms.

#### B. Green Design



Figure 15: Examples of Shaded Sidewalks

To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:

1. **Opportunities for the integration of green power in the design of buildings or sites. Green power may be derived from solar, wind, geothermal, biomass, or low impact hydro sources.**
2. **Energy-efficient materials, including recycled materials that meet the standards of Section 4.6, *Architectural Details, Materials, and Colors*, in the building design.**
3. **A sustainable roof.**
4. **Materials and design meeting the U.S. Green Building Council's LEED-NC certification requirements.**

## **4.4. BUILDING MASS**

### **4.4.1. Intent**

To ensure that buildings are designed to avoid long, unbroken walls and roof lines, and incorporate sufficient architectural detail to create a human-scaled environment.

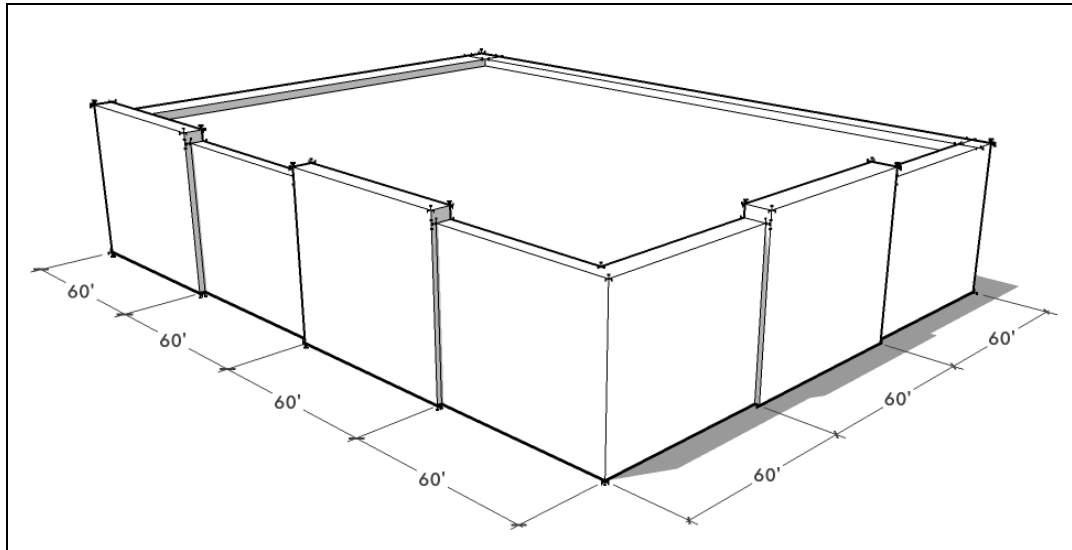
### **4.4.2. Standards**

#### **A. Horizontal Articulation**

Design buildings to reduce apparent mass by dividing facades into a series of smaller components. (See Figures 16 and 17.) No individual component shall have a length of more than 60 feet. Distinguish components from one another through two or more of the following:

1. **Variations in roof form or variations in roof height of two feet or more;**
2. **Changes in wall plane of six inches or more;**
3. **Variations in the arrangement of windows;**
4. **Recognizable changes in texture, material, or surface colors; or**
5. **Engaged columns.**





**Figure 16: Example of Horizontal Articulation in 60-foot Modules**

This example uses variations in roof height and wall plane to meet the standards.



**Figure 17: Additional Examples of Horizontal Articulation**

#### **B. Vertical Articulation**

Design buildings to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body must constitute a minimum of 50 percent of the total building height. (See Figure 18.)



**Figure 18: Example of Vertical Articulation**

#### **4.4.3. Guidelines**

Incorporate other techniques to further divide large building facades, including:

- A. In large stores with internal functions (e.g., coffee shop, deli, florist), provide a minor storefront with a separate entrance.
- B. Provide multiple entrances for large uses (e.g., groceries, department stores, warehouse stores).

### **4.5. DESIGN FOR PEDESTRIANS**

#### **4.5.1. Intent**

To ensure that buildings are designed for pedestrian scale and pedestrian-oriented accesses.

#### **4.5.2. Standards**

##### **A. Primary Building Entrance**

- 1. Design visually prominent primary building entrances. Provide shade for pedestrians. Unless otherwise provided in this ordinance, use a combination of two or more of the following techniques:**
  - a.** Canopy, portico, archway, arcade, or similar projection that provides architectural interest and protection for pedestrians;
  - b.** Prominent tower, dome, or spire;
  - c.** Peaked roof;
  - d.** Projecting or recessed entry;
  - e.** Outdoor features, such as seat walls, landscaping with seasonal color, or permanent landscape planters with integrated benches; or
  - f.** Other comparable techniques.

##### **B. Transparency**

- 1. In downtown Buckeye, on the façade facing the principal street:**
  - a.** At least 30 percent of the ground floor wall area between two and ten feet above grade shall consist of transparent glazing;
  - b.** At least 20 percent of each upper floor wall area shall consist of transparent or nontransparent glazing.
  - c.** If a single-story building has a façade taller than 20 feet, the façade area above 15 feet is subject to the same window requirement as the second-floor requirement in paragraph b.
- 2. Outside downtown Buckeye, for all commercial buildings with 70,000 square feet or more of gross floor area, at least 15 percent of the façade facing the principal street shall consist of transparent or nontransparent glazing. For all other commercial buildings, at least 30 percent of the façade facing the principal street shall consist of transparent or nontransparent glazing.**
- 3. Glazing required by this ordinance should be concentrated in areas of high pedestrian activity and, to maximize energy efficiency, should be used in conjunction with shade features required and encouraged by Section 4.3, including awnings, shaded sidewalks, deeply recessed windows, and covered porches or arcades.**
- 4. Except as otherwise permitted in this section and in Section 7-5-11 of the Town of Buckeye Development Code, transparent glazing required by this ordinance must be maintained without interior or exterior obstructions that substantially limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (except window blinds) during hours of**

**business operation. This section shall not apply to signage, shelving, displays, or the like, set back at least three feet from the glazing surface.**

**C. Pedestrian Amenities**

Ground-floor facades that face public streets or other public areas (e.g., outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features along no less than 60 percent of their horizontal length. Pedestrian-oriented design features may include arcades, display windows, entryways, awnings, or other features approved by the Director. Shaded sidewalks required by Section 4.3 that are part of the building design may be credited toward this standard, as well.

## **4.6. ARCHITECTURAL DETAILS, MATERIALS, AND COLORS**

### **4.6.1. Intent**

To ensure that developments utilize materials of high quality and durability appropriate to the desert climate.

### **4.6.2. Standards**

**A. Permitted Wall Materials**

The following materials are permitted for use on exterior building walls, individually or in combination:

1. **Brick;**
2. **Stone (natural or simulated);**
3. **Painted, stained, or integrally-colored concrete masonry units (CMU), split face or ground face;**
4. **Textured tilt-up concrete panels, with or without reveals;**
5. **Stucco;**
6. **Exterior Insulation and Finish Systems (EIFS);**
7. **Clear and tinted glass;**
8. **Mosaic tile;**
9. **Wood; and**
10. **Architectural metal.**

Other materials may be used provided they are of comparable quality, durability, and character, as determined by the Director.

**B. Accent Wall Materials**

A minimum of ten percent of the exterior building wall facing the principal street (not including windows and doorways) shall consist of an accent material from the list in subsection A. above that is different than the remainder of the building façade material.

**C. Prohibited Wall Materials**

The following materials are prohibited:

1. **Un-textured tilt-up concrete panels (acceptable for industrial buildings);**
2. **Pre-fabricated steel panels (acceptable as an accent element);**
3. **Corrugated metal (Corten or rust finish acceptable as an accent element);**
4. **Mirrored or otherwise highly reflective glass;**

**D. Roof Materials**

Flat roofs, standing seam metal roofs, and concrete and clay tile roofs are permitted. Other alternative roofing materials may be approved by the Director when consistent with the intent of this ordinance and the design of the development. Asphalt shingle roofs are not permitted.

**E. Exterior Building and Roof Colors**

Select materials and colors of muted earth tones, which are abundant in Buckeye's Sonoran Desert environment. Bright, primary colors are prohibited except as accent colors on no more than ten percent of the total square footage of each building façade.

**F. Metal Finishes**

1. **Paint metal within the color range described in paragraph E. above or leave it in a natural state to derive its character from weathering and oxidation.**
2. **Bright or highly reflective metal finishes are prohibited.**

## ARTICLE 5: EXTERIOR LIGHTING

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### 5.1. GENERAL INTENT

To establish outdoor lighting standards and guidelines. To balance safety and aesthetics. To encourage nighttime illumination that minimizes impacts on surrounding neighborhoods and the night sky.

### 5.2. STANDARDS

#### 5.2.1. Conformance with State and Local Requirements

Design all lighting to conform to the standards of the state “dark skies” requirements as set forth in ARS 49-1101 et seq.; Section 7-5-7, *Lighting*, of the Development Code; and the requirements set forth in this Article.

#### 5.2.2. Submission of Plans and Evidence of Compliance

Provide a description of all lighting fixtures, both proposed and those that will remain on the site, as well as any existing or proposed fixtures to be located in adjacent rights-of-way after completion of the project, with the development application. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers that demonstrate compliance with the standards of this Article.

#### 5.2.3. Design Standards

Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:

- A. Light sources shall be concealed or shielded with luminaries with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this provision, “cutoff angle” is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.
- B. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. Floodlights shall not be utilized to light all or any portion of a building façade between 10:00 pm and 6:00 am, unless the building is open to the general public during such hours.
- C. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.

- D. Unless otherwise provided in this ordinance, exterior lighting shall not add more than one foot-candle to illumination levels at any point off-site.
- E. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
- F. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
- G. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line.
- H. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

#### **5.2.4. Exempt Lighting**

The following types of lighting are exempt from the requirements of this section.

- A. Soffit or wall-mounted luminaires that are permanently attached to single-family residential dwellings, not to exceed the height of the eave.
- B. Public Street and right-of-way lighting.
- C. Temporary decorative seasonal lighting provided that individual lamps have a light output of 200 lumens or less.
- D. Temporary lighting for emergency or nighttime work and construction.
- E. Temporary lighting for theatrical, television, and performance areas or for special events authorized through a permit.
- F. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
- G. Lighting required and regulated by the Federal Aviation Administration.
- H. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
  - 1. **Maximum permitted light post height: 80 feet.**
  - 2. **Maximum permitted illumination at the property line: two foot-candles.**

- 3. Limits on hours of illumination: Exterior lighting shall be extinguished no later than 11:00 pm. An exception may be granted by the City Council, without recommendation from the Planning and Zoning Commission, for tournament activities.**

#### **5.2.5. Prohibited Lighting**

Mercury vapor light sources, searchlights, and strobe/flashing lights are prohibited.



## ARTICLE 6: SIGNS

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### 6.1. GENERAL INTENT

The standards and guidelines of this Article are intended to:

- 6.1.1. Ensure that signs are integrated in the architectural design and consistent with the character of the development;
- 6.1.2. Ensure that signs for multi-tenant or phased developments remain consistent in terms of materials, design features, and scale; and
- 6.1.3. Reduce the visual clutter of numerous signs placed along arterial roadways.

### 6.2. SIGN DESIGN

#### 6.2.1. Standards

- A. All signs shall meet the standards of Section 7-5-11, *Signs*, of the Development Code.
- B. Incorporate design elements for on-site signs that are consistent with each other and with the overall architectural character of the development, in terms of their materials, height, colors, and lettering style, to reinforce visual continuity.
- C. Limit pylon signs along freeway frontage to a single identification sign per each 15 acres in a commercial center.
- D. Meet the standards of Article 5, *Exterior Lighting*, of this ordinance for lighting signs.
- E. Locate electrical service to signs, including raceways and transformers, to minimize their visibility. When such services are visible on street-facing facades, they shall be painted to match the color of the wall on which they are located.
- F. All multi-tenant commercial developments shall submit a Comprehensive Sign Plan illustrating a coordinated approach to site signage. Comprehensive Sign Plans shall provide specifications on sign:
  - 1. **Type;**
  - 2. **Materials;**
  - 3. **Illumination;**
  - 4. **Colors;**
  - 5. **Dimensions; and**
  - 6. **Location.**

### **6.2.2. Guidelines**

- A.** Backlit or indirectly lit individual letters are preferred.
- B.** Design buildings to include logical locations for signs that emphasize architectural elements of the facade and allow flexibility for new users as the building tenants change over time.
- C.** Wood, acrylic, or metal signs are preferred. Avoid corrugated plastic, expanded PVC, foam core, magnetic, and polystyrene signs, particularly for signs located below 12 feet above grade.

## **ARTICLE 7: STANDARDS FOR INDUSTRIAL USES**

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### **7.1. GENERAL INTENT**

To encourage high-quality design appropriate for industrial uses while promoting economic development, protecting adjacent uses, and fostering a positive image for the community.

### **7.2. APPLICABILITY**

This Article 7 applies to development of any industrial use, unless exempted under Subsection 1.2.2 above. Section 7.3 lists the standards and guidelines of this ordinance that apply to the development of any industrial use. Standards and guidelines in this ordinance not listed in Section 7.3 do not apply to the development of industrial uses.

### **7.3. STANDARDS**

#### **7.3.1. Site Design**

##### **A. Building Orientation**

The standards and guidelines set forth in Section 2.3 of this ordinance shall apply to development of any industrial use.

##### **B. Connectivity**

The standards and guidelines set forth in Section 2.4 of this ordinance shall apply to development of any industrial use.

##### **C. Service, Refuse Collection, and Utilities**

The standards and guidelines set forth in Section 2.7 of this ordinance shall apply to development of any industrial use.

#### **7.3.2. Landscape Design**

##### **A. Landscaping Inside Parking Areas**

The standards and guidelines set forth in Section 3.3.of this ordinance shall apply to development of any industrial use.

##### **B. Perimeter Landscaping**

The standards and guidelines set forth in Section 3.4.of this ordinance shall apply to development of any industrial use.

#### **7.3.3. Building Design**

##### **A. Architectural Character**

The standards and guidelines set forth in Section 4.2 of this ordinance shall apply to development of any industrial use.

##### **B. Building Mass**

The standards and guidelines set forth in Section 4.4 of this ordinance shall apply to development of any industrial use.

**C. Entrances**

The standards for primary building entrances set forth in Section 4.5.2.A. of this ordinance shall apply to development of any industrial use.

**D. Architectural Details, Materials, and Colors**

The standards and guidelines set forth in Section 4.6 of this ordinance shall apply to development of any industrial use.

## ARTICLE 8: DEFINITIONS

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### **Accent Material**

Material covering 25 percent or less of a wall elevation.

### **Articulation**

The manner in which various features are arranged on a building elevation.

### **Berm**

An earthen mound designed to, screen undesirable views, decrease noise, and/or control or manage surface drainage.

### **Buffer**

Landscaped areas, fences, walls, berms, or any combination thereof, used to physically screen or block noise, lights, buildings, or nuisances.

### **Building Facade Line**

A line that is parallel to a lot line or public or private street curb line, as applicable, and the average distance from the lot line or curb line as the closest portion of a building.

### **Building Mass**

The three-dimensional bulk of a building—height, width, and depth.

### **Building Scale**

The size and proportion of a building relative to human scale, streets, surrounding buildings, and environs.

### **Code**

The Town of Buckeye Development Code.

### **Commercial Center**

A development containing two or more retail stores, offices, restaurants, hotels, motels, and similar businesses.

### **Commercial Development**

For purposes of this ordinance, development of any use meeting the definition of “Commercial Use,” “Offices,” “Places of Public Assembly,” or “Service Establishment” in the Buckeye Development Code and repeated below, as well as any mixed use development that combines commercial development and development of any residential use.

### **Commercial Use**

A retail use operated for profit or compensation, where the general public is invited to purchase goods or services and the compensation is substantial and regular.

### **Offices**

Structures, or portions of structures, in which commercial activities take place but where goods are not produced, sold, or repaired. These include: banks, general and professional offices; governmental offices; insurance offices; real estate offices; taxicab offices; but not taxi stands;

travel agency or transportation ticket offices; telephone exchange; utility offices; radio broadcasting, and similar uses.

**Places of Public Assembly**

Buildings or indoor facilities including, but not necessarily limited to, banquet halls, auditoriums, private clubs and lodges, conference centers, and theaters, including kitchens for the preparation of food to be consumed at the premises.

**Service Establishment**

A business whose principal purpose is to provide food, drink, entertainment or professional services. Service Establishments include restaurants, bars, or lounges, where customers are invited to consume food, drink, or entertainment on the premises, and professional service establishments such as accountant offices, law offices, and beauty salons.

**Cut-off Light Fixture**

A lighting fixture with a light distribution pattern that results in less than 2.5 percent of the rated lumens being projected at or above a horizontal plane located at the bottom of the fixture, and less than 10 percent of the rated lumens projected between that horizontal plane and a plane emanating at an 80 degree angle below the bottom of the fixture.

**Demolition or Demolish**

An act or process that removes one or more of the following from an existing building or buildings:

1. Fifty percent or more of the roof area as measured in plan view.
2. Fifty percent or more of the exterior walls of a building.
3. A Street-facing facade.

**Development**

Any activity that changes the use of land or makes a material change to the appearance of a structure or property. In addition, the following constitute development:

1. Clearing of land as an adjunct of construction, including clearing or removal of vegetation or soil manipulation;
2. Deposit of refuse, solid, or liquid waste or fill on a parcel of land;
3. Placement of a sign;
4. Changes or alteration of a watercourse, drainage way, or other waterway; or
5. Paving, filling, grading, or covering of land.

**Director**

The Community Development Director or his or her designee.

**Exterior Trademarked Design Feature**

An exterior design feature, including colors, shapes, and materials, of a building that is trademarked by a building occupant.

**Fully-Shielded Light Fixture**

A lighting fixture constructed in such a manner that the light source is not visible when viewed from the side and all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

**Full Cut-off Light Fixture**

A lighting fixture with a light distribution pattern that results in no light being projected at or above a horizontal plane located at the bottom of the fixture, and less than ten percent of the rated lumens projected between that horizontal plane and a plane emanating at an 80 degree angle below the bottom of the fixture.

**Glazing**

The panes or sheets of glass or other material made to be set in frames, as in windows or doors.

**Guideline**

An indication of policy or preferences; compliance is not mandatory like a standard, but rather compliance is encouraged to further the town's land-use goals and policies.

**Industrial Development**

Development of any use primarily associated with heavy equipment, tractor trailers, material storage or processing, warehousing, manufacturing or chemical processing, where the general public is not invited to be part of the on-site activities.

**In-line Commercial Center**

Multiple retail stores laid out in an in-line arrangement. Individual stores share one or more side walls but have separate entrances. In-line centers typically share a single parking area.

**Light Fixture**

The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket).

**Maximum Extent Feasible**

Under the circumstances, no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken.

**Maximum Extent Practicable**

Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts.

**Outdoor Gathering Space**

Open air or semi-enclosed public spaces for the benefit of residents, employees, or visitors to a site. In calculating the size of an outdoor gathering space in order to meet the requirements of this ordinance, the following must not be included: private yards, public or private streets or rights-of-way, parking areas and driveways, and water quality and stormwater detention ponds.

**Pad-Site Building**

A building that is intended for a single commercial use and that is physically separate from the principal or primary building on the site. The term is typically used in the context of retail shopping center development.

**Parking Structure**

A structure or portion thereof that is fully or partially enclosed, composed of one or more levels or floors, and used exclusively for the parking or storage of motor vehicles.

**Primary or Principal Building**

The building or structure on a commercial development site used to accommodate the majority of the principal permitted use(s). When there are multiple buildings on a commercial development site, such as in a shopping center, the primary or principal building shall be the one containing the greatest amount of gross floor area. Buildings sited on pad sites or free-standing kiosk/ATM machines cannot be "primary" or "principal" buildings.

**Principal Entrance**

The place of ingress and egress most frequently used by the public, and which is most visible and most easily identifiable from the principal street.

**Principal Street**

The street adjacent to a lot or site with the highest priority. Street priorities are as follows, from highest to lowest:

- Major Arterial
- Minor Arterial
- Collector
- Local

If a lot is adjacent to more than one street of equally high priority, the principal street is: the street with the highest level of transit service, as determined by the Director; or, if the streets do not have transit service or the level of transit service is equal, the street designated by the lot owner.

**Semi-cutoff Light Fixture**

A lighting fixture with a light distribution pattern that results in less than five percent of the rated lumens being projected at or above a horizontal plane located at the bottom of the fixture, and less than 20 percent of the rated lumens projected between that horizontal plane and a plane emanating at an 80 degree angle below the bottom of the fixture.

**Shaded Sidewalk**

For purposes of this ordinance, a shaded sidewalk shall be any one of the following:

- A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals or of standard concrete with the trees planted in grates at the same distance.
- A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals.



- A sidewalk at least six feet wide covered with weather-protection materials (such as awnings, an arcade, or other structure).

**Standard**

A definite rule, principle, or measure with which compliance is mandatory unless expressly modified through the Administrative Modification process in Section 1.3 of this ordinance or varied according to the Development Code. A development application may be denied for failure to meet one or more standards established by this ordinance.

**Street-Facing Facade**

A wall of a building that is within 60 degrees of parallel to a street lot line; and is not behind another wall, as determined by measuring perpendicular to the street lot line.

## ORDINANCE NO. 20-08

### AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA, AMENDING THE TOWN OF BUCKEYE DEVELOPMENT CODE, ARTICLE 5, SECTION 7-5-10 TO ESTABLISH NEW ALLOWABLE FENCING AND SCREENING MATERIALS.

WHEREAS, the Town of Buckeye, Arizona ("*Town*") has studied the necessity to adopt amendments to the Buckeye Development Code addressing allowable fencing and screen materials; and

NOW, THEREFORE, be it ordained by the Mayor and Town Council of the Town of Buckeye, Arizona, as follows:

**Section 1.** Article 5 of the Town of Buckeye Development Code is hereby amended by amending the current Section 7-5-10, Table 5-F as follows:

**TABLE 5-F REQUIRED SCREENING FOR NEW DEVELOPMENT (BY USE) AND ALLOWABLE SCREENING AND FENCING MATERIALS**

	Minimum height required for <u>screening</u>	Material allowed to be used <u>for screening</u>
Commercial buffer	6	1
Refuse container	6	1
Vehicle display	2.5	1,2,3
Parking area	3	1,3
Outdoor storage	6	1,4,5
Mechanical equipment	3.5	1,3,5
Residential		
- w/in front setback	3	1-6
- all other uses	6	1-6

\*All measurements are in feet

\*Outdoor storage allowed only in conjunction with an industrial or agricultural use

\*Materials for fence construction shall be limited to the following:

- |                  |  |   |
|------------------|--|---|
| 1. masonry block | 3. landscape screen                    | 5. wood   |
| 2. wrought iron  | 4. chain-link with slates <sup>1</sup> | 6. plastic or vinyl specifically designed and manufactured to be used as fencing or screening |

<sup>1</sup>In accordance with Section 7-5-10-A-6, chain link fences shall be limited to General Commerce, Rural Residential, and Special Use Districts.

Other materials may be allowed upon the Community Development Director's finding that they are similar to those listed above.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Buckeye, Arizona, this 1st day of April, 2007.

Bobby D. Bryant  
Bobby D. Bryant, Mayor

**ATTEST:**

Linda Garrison  
Linda Garrison, Town Clerk

**APPROVED AS TO FORM:**

Scott W. Ruby  
Scott W. Ruby, Town Attorney